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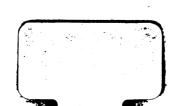
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PARLIAMENTARY

OR

CONSTITUTIONAL

History of England;

From the earliest TIMES,

TO THE

Restoration of King CHARLES II.

COLLECTED

From the RECORDS, the ROLLS of PARLIAMENT, the JOURNALS of both Houses, the public LIBRARIES, original MANUSCRIPTS, scarce Speeches, and TRACTS; all compared with the several Contemporary WRITERS, and connected, throughout, with the History of the Times.

By SEVERAL HANDS.

The SECOND EDITION.

VOL. II.

From the Accession of King Henry IV. to the Death of King Henry VII.

LONDON,

Printed for J. and R. Tonson, and A. MILLAR, in the Strand; and WILLIAM SANDBY, in Fleet-Street. MDCCLXII.

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THE

Parliamentary History

O F

E N G L A N D.

I may well be faid that Henry IV. be-The Accession of gan his Reign at the Instant King Rich-King Henry IV. ard was committed Prisoner to the Tower; for we do not find that he ever did one Act of State afterwards. The new-elected King did not claim the

Crown by that Right only, as judging it too precarious; but trumped up a much worse Title to it, by drawing his Pedigree from Edmund, surnamed Crouchback, as eldest Son of King Heyry III. when it was then, and is now, notorious, that the said Edmund was only second Son to Henry III. On the Day of his Coronation, however, he took more Strings to his Bow; and by Proclamation, then made, he claimed the Crown of England, First, By Conquest; Secondly, Because King; Richard had resigned that Dignity, and designed him Vol. II.

a The last that we find, in the Public Acts, is dated at Westminster, September 20, the Day before he was sent to the Tower.

[3]

King Henry IV. for his Successor; and, lastly, Because he was of the Blood Royal, and next Heir Male b unto King Richard. We shall not dispute any further the Validity of any of these Titles: The strongest Arm then carried it; but there was another Person then in Being, who, after the Death of King Richard without Issue, had been publickly proclaimed Heir Apparent to the Crown. This was Edmund Mortimer, Earl of March, Son to Roger Mortimer, flain in Ireland, who was descended from Lionel Duke of Clarence, elder Brother to John Duke of Lancaster, King Henry's Father, by his Mother Phillipa, only Daughter and Heir to the faid Lionel. And therefore, says another Historian c, the said Edmund thought himself nearer Heir Male to the Succesfion of the Crown, as indeed he was, than he that, by Colour of Right claiming it, carried it by Dint of Sword.' But this Earl well confidered that the Torrent of the Times was far too impetuous for him to withstand, and therefore wisely withdrew himself from all public Affairs to his Castle and Barony of Wigmore, in Herefordshire, where he lived a private Life for several Years: For, as a modern Historian well observes, he had no other Way to secure his Repose, and even his Life, against the Suspicions of a Prince whose Interest it was to destroy him. And it was but too probable that the new King would embrace the first Occasion to free himself from the Unessiness which such a Rival could create d.

But, let the Steps to the Throne have been ever so slippery and dangerous, Henry sound himself safely placed in it, and fortified there by the Sanction of the two Houses of Parliament. Some Historians have hinted, that the Lower House was hardly brought to consent to the Deposition of the late King; but at length was overawed by the Great-ones, to a Compliance with it c. But this does not appear upon Record by the Proceedings of the next Parliament, which Henry had called, and

b Hares Malus, indeed, quoth Edmund Mortimer to his secret Friends, and so is the Pirate to the Merchant, when he robbeth him of all he hath. Sir John Hayward, p. 99.

c. Hall's Chronicle, Fol. X.

d Rapin's History of England, Fol. Edit. p. 484.

e Sir John Hayward .- Biondi's Hift, of the Civil Wars. p. 41.

was to meet at Westminster on the 6th of October fol-King Huny IV

lowing.

We have sufficiently taken Notice what collusive Doings had been acted in calling these two Parliaments, the latter of which was to meet six Days after the former was dissolved; but were indeed the same individual Persons, both in Lords and Commons, as the former s.

The before modern Writer makes a just Reflection on this Piece of Chicanery, which we shall give in his

own Words as follows:

To proceed according to Custom, the Representatives must have been chosen anew. But Henry did not think fit to run the Risque of a less favourable Parliament than that which had so heartily espoused his Cause. He was contented therefore with impowering the same Representatives to make, with the House of Lords, a new Parliament under his Authority. I shall not venture to decide, whether this Proceeding was somewhat irregular, or authorized by any former Precedent: But, be that as it will, the same Parliament met again on the 9th of October , as if called by the new King.

We shall now proceed to quote from more certain Authorities, which are the Records themselves; advertising the Reader, that since now Dr. Brady and Mr. Tyrrel are both silent, to avoid a Repetition of needless Notes, the Substance of Parliamentary Proceedings, in this and some succeeding Reigns, are wholly taken from the Parliament Rolls, and what is called Sir Robert Cottom's Abridgement of them; and, where any Matter is advanced otherwise, the Authors shall then be noted.

But it cannot be amis, in the Beginning of this Parliament, to give the Names of the Peers summoned to it by the second Writ, in Henry's Name: And as these, with the Peers called to the first, stand, in the Abridgement, on two opposite Pages, there is no Difference except in the Names of the Kings; and, in the former, Sir Thomas Erpingham is put as Watden of the Cinque Ports, which in the other he is not. The first Writ is thus directed, Rex [Richardus] &c. diletto Consanguineo sub Henrico Duci Lancastriæ Salutem, &c. apud West-A 2

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[4]

¹ See Vol. I. p. 502, 527.
TRapin, Vol I, p. 484. He should have said the 6th,

King Heavy IV. monasterium in Crastino St. Michaelis proximo futuro. Teste Rege apud Cestriam xxix. Die Augusti. other is, Rex [Henricus] &c. Henrico Duci Lancastriæ [Filio suo] &c. apud Westmonasterium, in Festo Sanct. Fidis Virginis, sexto Die Octobris, 1399. Teste Rege A Parliament apud Westmonasterium, 30 Septembris. Next follow

the Names and Titles of the Peers h.

called at Weftminster.

[5]

Edmund Duke of York, Edward Duke of Albemarle, Thomas Duke of Surrey. Fohn Duke of Exeter, John Marquis of Dorfet, Thomas de Beauchamp, Earl of Warwick. Aubrey de Vere, Earl of Oxford, Edward Courtney, Earl of Devon, John de Montacute, Earl of Sarum, Henry Percie, Earl of Nerthumberland, Edmund Earl of Stafford, Michael de la Pole, Earl of Suffolk, Thomas de Percie, Earl of Worcester, Thomas le Despenser, Earl of Gloucester, Ralph Nevile, Earl of Westmoreland. Thomas Lord de Camois, Fohn Lord Bourchier, John Lord Charleton, de Powys, William Lord Clinton, Thomas Lord De la Ware, Stephen Lord Scrope, of Masham.

William Lord Roos, of ·Hamlake. Henry Lord Fitz-Hugh. William Lord Ferrers, of Groby. Thomas Lord Morley, Richard Lord Scrope, Hugh Lord Burnel, Thomas Lord Berkeley, of Berkeley, John Lord Welles, Philip Lord Despenser, Almaric Lord St. Amand. Ralph Lord Cromwell, Ralph Lord Lumley, Ralph Lord Greystock, Robert Lord Harrington, John Lord Darcy, Walter Lord Fitz-Walter. William Lord Willoughby, John Lord Cobbam. William Lord Dacre. William Lord Nevile, of Hallamsbire, Richard Lord Seymore, William Beauchamp, Lord Bergavenny, John Lord Lovell, of Tichmarsh, Richard Lord Grey, of Codonore,

Reginald h There is a Mistake in Dugdale's Summons to Parliament, in placing the Writs for calling a Parliament at York the first Year of this King, inflead of the second; and putting it before this Parliament at Westminfler, as the Dates of the Writs themselves will evidently shew.

Reginald Lord Grey, of Rutbin.

Robert Lord Scales.

Thomas Lord Bardolf, of King Henry IV . Wormgay,

Peter Lord Mauley.

On Monday, being the 6th of October, these Peers. with the Bishops and Commons of England, being asfembled in the Great Hall at Westminster, and the new King placed in the Royal Throne, by his Command Thomas Arundele, Archbishop of Canterbury, declared,

That this Parliament was summoned by King Rich- The Archbishop

ard, to be held the Tuesday next before; which informs them of Summons was annulled and made void by the accept-King Richard's

ing of the Renunciation of the said King Richard, Deposition.

and deposing of him; which was done the same Day

in the Presence of the King, Lords, and Commons,

as by the Process hereafter to be read would appear.

He then told them, 'That this most famous Realm, abounding in all Felicities, had been long governed

by Children and young Counfellors, and would ut-

terly have been ruined and wasted, had not God sent

a wise and discreet Man to govern the same, who meant, by God's Help, to be governed himself by

the wife and old Heads of the Realm.'

After this he took for his Text these Words out of Maccabees, Incumbit nobis ordinare pro Regno, i. e. It is the King's Will to be governed by the honourable, discreet, and fage Men of the Realm, and by their common Confent; and not by his Will or Humour to rule the same. He further laid great Stress on this, 'That this Nation, of any under the Sun, might best support and live within itself, alledging for Authority this Adage, Quod · inter Regna, boc Principatum tenet.

To these he added, 'That to every good Governs ment three Things were required; First, Justice; next, That the Laws should be duly observed; and, lastly, That every Degree of Men, in their feveral Voca-• tions, should be encouraged and protected.' He brought many Reasons why this Nation ought to be well governed, and faid, 'That their new King intended strict-

· ly to observe these three Points.'

He concluded with acquainting them, 'That Henry, their King and Lord, meant to be crowned on the · Monday following, after which he would wholly ad-

[7]

King Hary IV. 6 dict himself to the Care of the Commonwealth; and 6 defired the Commons that they would consent to have 6 the Parliament continued or adjourned to the Tuesday 6 following. After this Harangue was ended, Henry Percie, Earl of Northumberland, and Constable of England, demanded of the Lords and Commons, whether they would agree to this Continuance; who, being all and severally examined, consented thereto.

Then the Receivers and Triers of Petitions for England, Ireland, Wales, and Scotland, were appointed, with those for Gascoigny, and other Places beyond the

Seas, with the Isles.

The next Thing they went upon, was to read the Record of the Renunciation of King Richard II. with their Acceptance of the same, and the Deposition of the said King, as follows:

The Roll of Parliament summoned and holden at Westminster, on the Feast of St. Faith the Virgin, in the first Year of the Reign of King Henry IV. after the Conquest, Membrane xx.

The Record and Process of the Renunciation of King Richard II. after the Conquest, and likewise the Acceptance of the same Renunciation, with the Deposition of the same King Richard afterwards ensuing 1.

E it remembered, that, on Monday the Feast of

St. Michael the Archangel, in the 23d Year of the Reign of King Richard II. the Lords Spiritual and Temporal, and other Persons of Note; that is to say, the Lord Richard le Scrope Archbishop of York, John Bishop of Hereford, Henry Earl of Northumberland, and Ralph Earl of Westmoreland; the Lord Hugh de Burnel, Thomas Lord de Berkeley, the Prior of Canterbury with the Abbot of Westminster, William Thyrning, Knight, and John Markham, Justices; Thomas Stow and John Postors of Laws.

* Burbache, Doctors of Laws, Thomas de Erpingham and Thomas Gray, Knights, William de Feryby and Die
1 It was printed, from an attessed Copy in the original Languages, by

It was printed, from an attested Copy in the original Languages, by Sir Reger Twiffen, at the End of his Edition of the Decem Scriptores Historia Anglicana, col. 2743. But this Translation is taken from the History of the Life and Reign of Richard II. by a Person of Quality. Suc. Lond. 1681. p. 192, &c. and compared with the Original on the Rolls of Parliament.

Distriplies Lupham, Public Notaties, first deputed King fling I to the Act under-written, by the Affent and Advice of feveral of the Lords Spiritual and Temporal, and of the Judges and others, skilful as well in the Civil and Canon Law, as in the Laws of the Realm, al-· sembled at Wellminfler in the utual Place of Council. 'did, about Nine of the Clock, come to the Presence of the faid King, being within the Tower of London: And it being recited before the fald King, by the fald Ead of Northumberland, in the Behalf of all the reft beforenamed, so as aforefaid joined with him, how the faid King heretofore at Conway in North-Wales, being at Liberty k, did promise unto the Lord Thomas Archibishop of Canterbury, and the Earl of Northumberland, that he would yield up and renounce the Crown of England and France, and his Regal Majesty, for Causes of his Inability and Infofficiency, there by the faid King himself confessed, and that in the best Manner and Form the same could be done, as Counsel learned! flould belt order; the faid King, before the faid Lords and others above named, hereunto benignly answered, I That he would, with Effect, accomplish what before in that Behalf he had promised; but delired to have some Discourse with his Cousins, Henry Duke of Luncuster, and the faid Lord Archbishop of Canterbury, before he fulfilled fuch his Promife.

Afterwards, the same Day after Dinner, the said "King, much affecting the coming of the said Duke of Lancaster, and having long waited for him, at last the said Duke of Lancaster, the Lords; and others above named, and also the said Archbishop of Canterbury, did come to the Presence of the said King in the Tower aforesaid; the Lords de Ross, de Willbughby, and de Bergavenny, and very many others, being then there present; and after the said King had had Discourse with the said Duke of Lancaster and Archbishop, exhibiting a merry Countenance here and there amongst them to Part thereof, as appeared to those that stood round about, at last the said King, calling to him all that were there present, did publickly say before them, That he was ready to make the Remunciation, and to renounce and

k See Val. 1. p. 501, 526, in fan Indertate eniften, &c. Rot. Parl. 1 Henry IV. No. 10.

[: 8-]

King Henry IV. c recede according to the Promise by him made as aforesaid,
and so forth, although, as was said unto him, he
might have made some Deputy to have served as the
Organ of his Voice, for avoiding so tedious a Labour
as the reading of the said Cession and Renunciation,
reduced by others into a Schedule of Parchment; yet
the said King, very willingly as appeared, and with a
pleasant Countenance, holding the said Schedule in his
Hand, said, That he himself would read it, and distinctly read the same through; and also did absolve all his
Liege People, and renounce, and recede, and swear, and
other Things did say and pronounce in Reading, and
did subscribe it with his own Hand, as is more fully
contained in the said Schedule; the Tenor whereof is

The Form of K. Richard's Refig- Institution of the Crown.

IN the Name of God, Amen. I Richard, by the Grace of God, King of England and France, and Lord of Ireland, do absolve the Archbishops, Bishops, and other Prelates of Churches, Secular or Regular, of what soever Dignity, Degree, State, or Condition they be; the Dukes, Marquisses, Earls, Barons, Vassals, and Valvasors, and all and every my Liege People what soever, Ecclesiastics or Seculars, of all the said Kingdoms and Dominions, by what Name soever they are known, from the Oath of Fealty and Homage, and other Oaths what sever to memade, and from all Bond or Tye of Liegance, Royalty, and Dominion, whereby they have been or are obliged, or otherwise in any Manner bound unto me. And I do free, release, and acquit them and their Heirs and Successors for ever, from the Said Oaths and other Obligations whatfo-And I do dismiss them free, unloosen, quit, and in full Immunity, as far as relates to my Person, to every Effect of Law which may follow from the Premisses, or any of them. And I do purely, of my own Accord, simply and absolutely, in and by the best Manner, Way, and Form. that may be in these Writings, renounce and totally refign all Kingly Dignity and Majesty, and the Crown, and Dominion, and Power of the said Kingdoms and Dominions, and all other my Dominions and Possessions, or any way belonging or appertaining unto me, by what Name soever they may be reckoned up within the aforesaid Kingdoms, or elsewhere; and all Right and Colour of Right

[9]

Right and Title, Possession and Dominion, which at any King Henry IV. Time I have had, now have, or by any Means shall have, in or to the same, or any of them, with their universal Rights and Appurtenances, or any Dependencies however on them, or any of them : And also the Rule and Government of the faid Kingdoms and Dominions, and their Administration, and all Manner of meer and mixt Empire and Jurisdiction to me in the said Kingdoms belonging, or that may be belonging; and to the Name of King, and the Honour, Regality, and Celfitude Royal, purely, voluntarily, simply, and absolutely, by the best Manner, Way, and Form that the same can be done in these Writings, I do renounce, and them do totally refign, and in Deed and in Word difmiss and quit the same, and from them do recede for ever. Saving to my Successors, Kings of England, the Rights to them or any of them belonging, or that shall any way be-long, in the said Kingdoms or Dominions, and all other the Premisses for ever. And I do confess, acknowledge, repute, and truly, and out of certain Knowledge, do judge myself to have been, and to be, utterly insufficient and unuseful for the Rule and Government of the said Kingdoms and Dominions, with all their Appurtenances; and that for my notorious Demerits I deserve to be deposed. And I do swear upon these Holy Gospels of God, by me corporally touched, that I will never act contrary to the faid Resignation, Renunciation, Difmission, and Cession; nor any way oppose the same in Decd or in Word, by myself or any other or others: Nor will, as much as in me lies, permit the same publickly or privately to be contraried or opposed; but the said Renunciation, Resignation, Dismission, and Cession, will for ever esteem ratified and well-pleasing; and firmly hold and observe the same in the whole and in every Part. So God me belp, and these Holy Gospels of God.

[10]

1, the before-named King Richard, do here subscribe myself with my own Hand.

Arch-

And presently to the said Renunciation and Cession, the faid King added, by Word of Mouth, That if it

e lay in his Power the said Duke of Lancaster should succeed him in his Kingdom: But because, as he said, this

did not depend on his Pleasure, he did request the said

King Hawy IV. 6 Archbishop of Terk, and Bishop of Hereford, whoth

he, for that Time, had constituted his Procurators, to

declare and intimate such his Cession and Renunciation

to the States of the Kingdom, That they would be

pleased to signify to the People his Will and Intention

in that Behalf. And, in Token of such his Will and
Intention, did, then and there, openly pluck off the

Golden Ring of his Signet from his own Finger, and

put it upon the Finger of the said Duke of Lansaster,

descring, as he affirmed, That the same might be made

known to all the States of the Kingdom. Which be
ing done, taking their Leaves on both Sides, they all

went out of the said Tower, to return to their Lodg
ings:

But on the Morrow, viz. Tursday, the Feast of St.

Terome, in the Great Hall at Westminster, in the Place
honourably prepared for holding the Parliament, the
faid Archbishops of Ganterbury and York, and the Duke
of Lancaster, and other Dukes and Lords, as well
Spiritual as Temporal, whose Names are under-written, and the Commons of the said Kingdom, affembled
in a great Multitude in Parliament, being present, and
the said Duke of Lancaster being seated in a Place due
to his Quality, and the Chair of State m being solemnly adorned with Cloth of Gold, but then empty, without any Person whatever presiding therein; the abovenamed Archbishop of York, in the Name of himself,
and of the said Bishop of Hereford, according to the
Order of the said King, did publickly declare the Cef-

[.11].

as aforefaid, with the Subfeription of his Royal Hand,
and Delivery of his Signet. And the faid Ceffion and
Renunciation did there cause to be read by another,
first in Latin, and then in English.
Immediately after which it was demanded of the

fion and Renunciation to have been fo made by him

Estates and People there present, to wit, first of the Archbishop of Canterbury, to whom, by reason of the Dignity and Prerogative of his Metropolitan Church of Canterbury, it belongs in this Behalf to have the first Voice amongst the rest of the Prelates and No-

bles of the Realm, Whether, for their Interest and tothe Utility of the Kingdom, they would be pleased to ad-

the Utility of the Kingdom, they would be pleased to admit

Tor Royal Throne.

- s mit fuch Renunciation and Coffion. And the faid States King Hing 19
- and People, judging from the Caules by the faid King
- himself, in his Renunciation and Cession aforesaid,
- fignified that the fame was very expedient, did each
- Man fingly by himself, and in common with the
- People, unanimously admit the said Cession and Re-
- " nunciation.
- After which Admission, it was then and there pubclickly declared, That, befides fuch Ceffion and Renunciation, so as aforesaid admitted, it would be very exe pedient and profitable to the Kingdom, for the re-
- moving of all Scruples, and taking away finister Suf-
- picions, that very many Crimes and Defects by the
- faid King, about the ill Governance of his Kingdom,
- very often committed, reduced into Writing by way
- of Articles, by reason of which, as himself affirmed in the Ceffion by him made, he was deservedly to be
- deposed, should be publickly read and declared to the
- * People: And so the greatest Part of the said Articles
- were then and there read through. The Tenor of
- all which Articles is fuch.

But yet in the Roll, before the Articles, there are first

these Words.

- Here followeth the Form of the Oath that is used and accustomed to be taken by the Kings of England,
- s at their Coronation; which the Archbishop of Canterbury hath used to require and receive from the said
- Kings, as in the Books of the Pontifical of the Arch-

bishops and Bishops is more fully recorded.

- Which Oath Richard II. after the Conquest of * England, did take at his Coronation; and the same
- was administred by the Archbishop of Canterbury, and
- the very same Oath the King afterwards repeated, as
- in the Rolls of the Chancery may more fully be found

of Record.

· Thou shalt keep to the Church of Ged and People entire Peace and Concord in God, according to thy Power.

The King shall answer, I will keep them.

Thou shalt in all thy Judgments cause to be done equal and right Justice and Discretion, in Mercy and in Truth, according to thy Power. He shall answer, I < will so do.

Thou dost grant the just Laws and Customs, as shall

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[12]

King Penry IV. 6 be held, and dost promise the same shall by thee be pro-6 tested, and, for the Honour of God, corroborated, quas

vulgus elegerit, which the People shall chuse, to the utmost of thy Power. He shall answer, I do so grant
and promise.

To the aforesaid Questions, such others are added as shall be just; and all Things being so pronounced, the King, by his own Oath on the Altar, before all the

Assembly, confirms and promises that he will keep

and observe the same.'

Then follow the Objections or Articles, against the King, touching his Deposition.

The Articles against him.

[13]

IMprimis, It is objected against King Richard, That whereas, by reason of his ill Government, viz. His giving away the Goods and Possessions belonging to his Crown, and that to Persons unworthy; and his indiscreet squandering the same away otherwise, and to that End imposing, without Cause, Collections and other, grievous Burdens on his People, more than they were able to bear; and also innumerable other Evils by his Affent and Command perpetrated, there were, by the whole Parliament, certain Prelates and others, Temporal Lords, elected and affigned, who might, with all their Power, and at their own Charges, faithfully labour about the just Government of the Realm: Yet the King causing a Conventicle to be held by him, with his Accomplices, the faid Lords, as well Spiritual as Temporal, so occupied about the Sasety and Profit of the Kingdom, did propose to impeach of High Treason, and did violently draw the Judges of the Kingdom, for Fear of Death and corporal Tortures, to such his wicked Purpose, most vigorously striving to destroy the said Lords m.

II. The said King lately, at Shrewsbury, caused several, and the greater Part, of the Judges to come before him and his Favourites privately in a Chamber, and, by Menaces, and various Terrors, and such Affrightments as might fall even upon Men of constant Resolutions, did induce, cause, and compel them severally to answer certain Questions there propounded, on the Behalf of the King.

m Vol. I. p. 460, 486.

King, concerning the Laws of his Kingdom, befides King Henry IV. and against their Will, and otherwise than they would have answered, had they been at Liberty and unforced. By Colour of which Answers, the said King purposed to have proceeded afterwards to the Destruction of Thomas Duke of Gloucester, and the Earls of Arundele and Warwick, and other Lords, against whose Deeds and Behaviour the said King was much incensed, chiefly because they desired the said King to be under good Guidance; but, Providence withstanding it, by the Resistance and Power of the said Lords, the King was not able to bring such his Design to Effect 1.

III. When the Lords Temporal, defending themselves. had withstood his Malice and Fraud, and the said King had prefixed a Day for holding his Parliament to do them, and other Inhabitants of the Realm, Justice in that Behalf, and the faid Temporal Lords were quietly and peaceably gone home, and at Rest in their Houses. in Hope and Confidence of the faid Parliament, the King fecretly fent the Duke of Ireland with his Letters and Standard towards Chefter, and there gathered Multitudes. in Arms, and caused them to rise against the said Lords, the Nobles of the Kingdom, and Servants of the State, publickly erecting his Standard against the Peace which he had fworn to keep; from whence Slaughters of Men, Captivities, Diffentions, and other infinite Mischiefs, did enfue throughout the whole Kingdom; by which Act he became guilty of Perjury o

IV. Although the faid King had, in full Parliament, and by the Affent thereof, pardoned the faid Duke of Gloucester, and Earls of Arundele and Warwick, and all their Affistants and others, all Offences; and had, for many Years, shewn Signs of Peace and Love to the said Duke and Earls, and to the rest appeared with a pleasant and benign Countenance; yet the said King always and continually bearing Gall in his Heart, did at last, taking an Opportunity, cause the said Duke of Gloucester, the Uncle of him the said King, and also the Son of Edward the late King of England, of happy Memory, and Constable of England, then humbly going to meet the said King, in solemn Procession, and the said Earls of Arundele and Warwick, to be taken and arrested, and him the

n Vol. I. p. 483, 509. • Ibid. p. 488, 514.

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E Howy IV. the faid Duke out of the Kingdom of England, to the Town of Calais, did cause to be led, and there imprifoned, and under the Custody of the Earl of Nottingham. one of the Appellors of the faid Duke, detained, and without Answer, or any lawful Process whatsoever, did inhumanly and cruelly cause to be suffocated, strangled, and murdered: And the Earl of Arundele, though he pleaded as well the general Pardon, as a Pardon afterwards to him specially granted, and defired Justice to be done him, yet, in his Parliament, encompassed with armed Men, and innumerable Archers of the People by him gathered to that Purpose by pressing, did damnably cause to be beheaded: And the Earl of Warwick and Lord Cobbam did commit to perpetual Imprisonment, wickedly and against Justice, and the Laws of his Kingdom. and his express Oath, confiscating their Lands and Tenements, as well Fee-Simple as Fee-Tail, from them and their Heirs, and giving the same to their Appellors P.

V. At the same Time that the King in his Parliament caused the Duke of Gloucester, and Earls of Arundele and Warwick, to be adjudged, that he might more freely exercise his Cruelty upon them, and accomplish his injurious Will in other Matters, he gathered to himself a great Multitude of Malefactors of the County of Chefter, of whom some passing with the King thro' the Kingdom, as well within the King's Palace as without, did cruelly kill the Liege Subjects of the Kingdom, and some they beat and wounded, and did plunder the Goods of the People, and refuse to pay for their Victuals, and did ravish and violate their Wives and other Women: and though there were grievous Complaints, of such their Excelles, brought to the Hearing of the faid King. yet the faid King did not regard to cause Justice to be done, or any Remedy thereupon, but did favour the faid Troops in such their Evil-doings, trusting in them and their Guard, against all others of his Kingdom; for which Cause the faithful People of his Kingdom had great Matter of Commotion and Indignation 9.

VI. Although the faid King, by his Writs, caused Proclamation to be made throughout the whole Kingdom, that he had caused his Uncle the Duke of Gloucester, and the Earls of Arundele and Warwick, to be taken

P Vol. I. p. 469, 495, &c. 9 Bid. p. 488, 514.

taken and arrested, not for any Assemblings or Troop-King Revylv. ings by them formerly made within the Kingdom of England, but for very many Extortions, Oppressions, and other Things by them afterwards done and perpetrated against his Royalty and Kingly Majesty; and that it was not his Intention that any of the Family of the faid Duke and Earls, or of their Followers, at the Time of fuch Assembling and Trooping, should for that Occasion be molested or aggrieved; yet the said King at last, in his Parliament, did not impeach the said Lords for Extortions, Oppressions, or any such Matters: but. for the Assemblings and Troopings aforesaid, did adjudge them to Death; and very many of the Family of the faid Lords, and others who were following them at the Time of such their Assembling and Trooping, he did, for Fear of Death, force to make Fine and Ranform, as Traitors or Rebels; to the great Destruction of a great Number of his People: And so he did subtilly. fraudulently, and maliciously deceive the said Lords and their Domestics, and the People of his Kingdom.

VII. After very many of those Persons, so making Fine and Ransom, had obtained of the King his Letters Patent of full Pardon in the Premisses, they could not seap any Commodity by such Letters of Pardon, till they had made new Fines and Ransoms for saving of their Life, whereby very many were impoverished; which was a great Derogation and Dishonour to the

Name and State of a King.

VIII. In the last Parliament held at Shrewsbury, the said King, purposing to oppress his People, subtilly procured, and caused it to be granted, That the Power of the Parliament, by the Consent of the States of this Kingdem, should remain in certain Persons, to determine, after the Dissolution of the Parliament, certain Petitions in the said Parliament exhibited, but then not dispatched. By Colour of which Grant, the Persons so deputed proceeded to other Things generally touching that Parliament: And this, with the Will of the King, in Detogation of the State of Parliament, and the great Damage of the whole Kingdom, and pernicious Example. And that they might seem to have some Colour and Authority for such their Doings, the King caused the Parliament for such their Doings, the King caused the Parliament

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r Val. I. p. 466, 492.

King Henry IV. ment Rolls to be altered and blotted at his Pleasure,

against the Effect of the said Grant .

IX. Notwithstanding the said King at his Coronation had sworn, That, in all his Judgments, he would cause to be done equal and right Justice and Discretion, in Mercy and Truth, according to his Power; yet the said King rigorously, without all Mercy, did, amongst other Things, ordain, under grievous Penalties, that none should sue for any Favour, or intercede with the said King, for Henry Duke of Lancaster, being banished; whereby the said King did act against the Bond of Charity, rashly

violating his Oath aforesaid 1.

X. Although the Crown of the Kingdom of England, and the Rights of the said Crown, and the Kingdom itself, have, in all Time past, been so free, that our Lord the Pope, nor any other without the Kingdom, ought to concern himself about the same; yet the aforesaid King, for the Corroboration of such his erroneous Statutes, did make Supplication to our Lord the Pope, that he would confirm the Statutes ordained in his last Parliament; whereupon our Lord the Pope granted his Apostolic Letters, in which grievous Censures are denounced against any that should presume in any Thing to act contrary to the said Statutes; all which are well known to tend against the Crown and Royal Dignity, and against the Statutes and Liberties of the said Kingdom ".

XI. Although the Lord Henry, now Duke of Lancaster, by the King's Command, had preferred his Bill touching the State and Honour of the King, against the Duke of Norfolk, and the same had duly prosecuted, so that, according to the King's Order, he had exhibited himself in all Points prepared for the Combat; and the said King had declared, that the said Duke of Lancaster had honourably performed his Devoir as much as in him say, and this by a Decree publickly proclaimed before all the People assembled at the said Combat: Yet the said King, without any legal Reason whatsoever, did cause and command the said Duke to be banished for ten Years, against all Justice, and the Laws and Customs of this Kingdom, and the Law of War in that Behalf, thereby damnably incurring Perjury.

^{*} Vol. I. p. 492, 517. t Ibid. p. 495, 520. u Ibid. p. 486, 512. u Ibid. p. 494, 519.

XII. After the faid King had graciously granted, by King Henry IV.

his Letters Patent, to the Lord Henry, now Duke of Lancaster, that, in his Absence, whilst he was banished, his General Attornies might prosecute for Livery to him to be made of all Manner of Inheritance or Successions belonging unto him, and that his Homage should be respited, paying a certain reasonable Fine; he injuriously did revoke the said Letters Patent, against the Laws of the Land, thereby incurring the Crime of Perjury.

XIII. Notwithstanding that it was enacted, That every Year the Officers of the King, with his Justices and others of the King's Council, should chuse Sheriffs for all the Counties of England, and name them to our Lord the King, according as to their Discretion and Conficience should seem expedient, for the Good and Utility of the Kingdom; the said King hath caused Persons to be made Sheriffs, not so nominated or elected, but others according to the Capricio's of his Pleasure, sometimes his Favourites or Creatures, and sometimes such as he knew would not oppose his Humour, for his own and others private Advantage, to the great Grievance of his People, and against the Laws of his Kingdom, thereby notoriously incurring Perjury b.

XIV. At such Time as the aforesaid King requested, and had of very many Lords and others of his Kingdom, divers Sums of Money, by Way of Loan, to be paid again at a certain Term; notwithstanding the said King saithfully promised, by his several Letters Patent, to the several Persons of whom he borrowed the said Monies, that, at the Term limited as aforesaid, he would repay the same, yet he did not sulfil such his Promise, nor are they yet satisfied the said Monies; whereby such Creditors are much aggrieved, and not only they, but many others of the Kingdom repute the King unfaithful.

XV. Whereas the King of England, by the Revenue of his Kingdom, and the Patrimony belonging to his Crown, is able to live honeftly, without the Oppression of his People, as long as the Kingdom is not burdened with the Charge of Wars; yet the said King, in a Manner for his whole Time, during the Truces between the Kingdom of England and its Adversaries, hath not only given away a great, yea indeed the greatest, Part of his

2 Vol. I. p. 497, 523. b Ibid. p. 406, 432.

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King Honry IV. said Patrimony, and this to unworthy Persons; but also hath further imposed on his Subjects so many Burdens of Monies granted, as it were every Year of his Reign, that thereby he hath extremely and too excessively oppressed his People, to the Impoverishment of his Kingdom; not converting the Goods so levied to the Commodity and Profit of the Kingdom of England, but prodigally squandering it away for the Ostentation of his Name, and in Pomp and Vain-Glory; whilst great Sums of Money are owing in his Kingdom for the Victuals of his Houshold, and other Things bought, tho' he hath abounded with Riches and Treasures more than

any of his Progenitors.

XVI. The said King, not willing to keep or protect the just Laws and Customs of his Kingdom, but according to his arbitrary Will to do whatsoever should occur to his Desires, sometimes, and very often, when the Laws of his Kingdom have been expounded and declared to him by the Judges and others of his Council, and that they have defired that he would do Justice according to those Laws, hath expresly, and with an angry and haughty Countenance, faid, That his Laws were in his Mouth; and sometimes, That they were in his Breast; and, That be himself alone could make and change the Laws of his Kingdom: And, being seduced with that Opinion, did not fuffer Justice to be done to very many of his Liege People; but, by Threats and Terrors, hath forced very many to cease from the Prosecution of common Justice.

XVII. That after certain Statutes had been made in Parliament, which always bind till they are specially revoked by the Authority of another Parliament; the said King, desiring to enjoy such Liberty that no such Statutes should so bind him, but that he might do and execute his Pleasure, subtilly procured a Petition to be preferred in his Parliament on Behalf of the Commonalty of his Kingdom, and to be granted to him in general, That he might be as free as any of his Progenitors were before him. By Colour of which Petition and Concession, the said King hath very often commanded very many Things to be done against such Statutes unrepealed, acting therein expressy and knowingly against his Oath taken at his Coronation. XVIII.

Sec Vol. I. p. 449, 475.

XVIII. Although it was enacted and ordained, That King Henry IVa no Sheriff should hold his Office above one Year together, but that three Years should pass before he should be again admitted to that Office; the said King Richard, sometimes for his own single Commodity, and sometimes at the Instance of others for their Advantage, hath permitted and caused certain Sheriffs to stand and remain continually in their Offices, sometimes two, sometimes three Years, against the Tenor and Effect of the Statute aforesaid, thereby incurring Perjury; and this is notorious, public, and generally ill spoken of.

XIX. Altho', by the Statute and Custom of his Realm in the calling together of every Parliament, his People, in the feveral Counties of the Kingdom, ought to be free in chusing and deputing two Knights to be present in fuch Parliament for each respective County, and to declare their Grievances, and to profecute such Remedies thereupon as to them shall seem expedient; yet the aforesaid King, that in his Parliaments he might be able more freely to accomplish the Effects of his head-strong Will, did very often direct his Commands to his Sheriffs, that they should cause to come to his Parliaments, as Knights of the Shire, certain Persons by the said King named d; which Knights, being his Favourites, he might lead, as often he had done, fometimes by various Menaces and Terrors, and fometimes by Gifts, to consent to those Things as were prejudicial to the Kingdom, and exceeding burdensome to the People; and especially to grant to the said King a Subsidy on Wooll for the Term of his Life, and another Subfidy for certain Years, thereby too grievoully oppressing his People c.

XX. The faid King, that he might more freely fulfil and follow in every Thing his own arbitrary Will, did unlawfully cause and command, That the Sheriffs throughout his whole Realm, besides their antient accustomed Oath, should swear that they would obey all his Commands, as often as they should be directed to them, under his Great and Privy Seal, and also his Letters under his Signet; and that in case the said Sheriffs should come to know that any within their Bailiwicks, of whatsoever Condition they were, had publickly or secretly said or spoken any Ill, that might tend to the B 2 Disgrace

d See Vol. I. p. 406, 432. e Ibid. p. 486, 512.

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King Heary IV. Difgrace or Scandal of his Royal Person, they should arrest and imprison them, there safely to be kept till they should receive Command from the King to the contrary, as may be found in the Record; which Fact may probably tend to the Destruction of many of the Liege

People of the faid Kingdom.

XXI. The faid King, striving to trample under Foot his People, and subtilly to acquire their Goods to himfelf, that he might abound in superfluous Riches, did cause the People of seventeen Counties of the Realm to fubmit themselves to the King as Traitors, by Letters under their Seals; by Colour whereof he got mighty Sums of Money to be granted him by the Clergy and People of those Counties, for obtaining his Royal Goodwill and Favour: And though, to please the People, the King had caused those obligatory Letters to be restored, yet the Procurators of the People, having full Power granted them, to oblige themselves and their Heirs to the faid King, he the faid King caused them, under their Seals, to be bound to him in the Name of the faid People; and so deceived his People, and subtilly extorted from them their Goods.

XXII. Although the faid King, at his Coronation, had fworn to keep the Liberties granted to the Church of England, yet the faid King, by reason of his Voyage into Ireland, did, by his Letters, command very many Religious Persons, viz. Abbots and Priors of his Kingdom, strictly requiring that some of them should send to him certain Horses, and some of them not only Horses, but also Waggons and Carriages for his said Voyage, or, in Lieu thereof, great Sums of Money, in the said Letters expressed: By which Manner of Writing, he forced many of such Religious out of Fear to sulfil his Will and Command, whereby they were heavily impoverished and oppressed, in manifest Derogation of Ecclesiastical Liberty; by which Pretext the said King Richard did incur Perjury.

XXIII. In most of the great Royal Councils, when the Lords of the Realm, the Judges and others, being charged that they would faithfully counsel the King in Matters relating to his State and that of his Kingdom; the said Lords, Justices, and others, very often, in giving Counsel according to their best Discretion, have

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been by the King suddenly and so fiercely chidden and King Henry IV. reproved, that they have not dared to speak the Truth, in giving their Advice for the State of the King and

Kingdom f.

XXIV. The Treasure, Crowns, Reliques, and other Jewels, viz. The Goods of the Kingdom, which, Time out of Mind, have been reposited in the Treasury of the Kingdom, for the Honour of the King, and Preservation of his Kingdom against any sudden Event or Exigency, the said King, going out of his Kingdom into Ireland, did take away, and caused the same to be carried with him, without the Confent of the States of the Kingdom; whereby this Kingdom had been vastly impoverished, if God, by the retaking of the said Goods against the said King's Will, had not otherwise provided. And furthermore, the faid King did cause the Rolls of Records, touching the State and Government of his Kingdom, to be destroyed and razed, to the great Prejudice of his People, and disinheriting of the Crown of the faid Kingdom: And all this, as it is probably believed, in Favour and Support of his evil Governance.

XXV. The faid King was wont, as it were perpetually, to be so variable and dissembling in his Words and Writings, and so contrary to himself, and especially in writing to the Pope, and to Kings and other Lords out of the Kingdom, and within it, and also to others his Subjects, that no Man living that knew his Conditions could or would conside in him; nay, he was reputed so unfaithful and unconstant, that it became scandalous not only to his own Person, but also to the whole Kingdom, and especially amongst Foreigners of all the World who came to know the same.

XXVI. Although the Lands and Tenements, the Goods and Chattels, of every Freeman, by the Laws of the Realm used from all Time heretofore, ought not to be taken from him, unless they be forfeited; yet the said King, purposing and longing to weaken such Laws, in the Presence of very many Lords, and others of the Commonalty of the Kingdom, hath frequently said and affirmed, That the Life of every one of his Subjects, and his Lands, Tenements, Goods, and Chattels, are his, the said King's, at his Will and Pleasure, with-

f See Vol. I. p. 406, 434.

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King Henry IV. out any Forfeiture: Which is utterly against the Laws

and Customs of the Kingdom aforesaid.

XXVII. Although it was enacted and ordained, and is hitherto confirmed, That no Freeman shall be taken, nor any way destroyed, and that the King shall not pass, nor fend any to pass upon him, but by the lawful Judgment of his Peers, or by the Laws of the Land; yet, by the Will, Command, and Order of the faid King, very many of his Liege People, being maliciously accufed for having publickly or fecretly faid fomething that might tend to the Dispraise, Scandal, or Disgrace of the Person of the said King, have been taken and imprisoned, and brought before the Constable and Marshal of England in the Court Military; in which Court the said Liege People being accused, would not be admitted to make any other Answer, than that they were no way guilty, and would justify the same, and defend themfelves by their Bodies, and not otherwise, notwithstanding their Appellors were young Men, stout and lusty, and those so accused, antient and impotent, maimed or infirm; whereby not only Destruction of the Lords and Grandees of the Kingdom, but also of all and fingular Persons of the Commonalty of the same may probably ensue: Since therefore the said King hath wilfully acted contrary to fuch a Statute of this Kingdom, it is not to be doubted but he hath thereby incurred the Crime of Perjury.

XXVIII. Although the People of the Realm of England, by Virtue of their Liegiance, are fully enough bound to their King, and the faid King, by the Laws and Customs of his Kingdom, is enabled to correct and punish his People, if in any Kind they transgress; yet the faid King, defiring to trample on, and too much oppress, his People, that he might the more freely execute and follow the Humour of his foolish and unlawful Will, by his Letters to all the Counties of his Kingdom, did enjoin and command, That all his Subjects, as well Spiritual as Temporal, should take certain Oaths in general, which were too grievous to them, and which might probably cause the final Destruction of his People, and that they should confirm such their Oaths under their Letters and Seals; to which Royal Command the People of his Kingdom did submit and pay

Obedience, that they might not incur his Indignation King Henry IV.

or Displeasure, and also for Fear of Death s.

XXIX. When Parties contending in the Ecclefiastical Court, in Causes merely Ecclesiastical and Spiritual, had endeavoured to obtain from the Chancellor of England Prohibitions to hinder the lawful Process in the said Courts, and the said Chancellor had justly refused to grant the same; yet the said King, by Letters under his Signet, has frequently prohibited the Ecclesiastical Judges to proceed in such Causes, thereby evilly infringing the Liberties of the Church in the Grand Charter approved, to the Conservation whereof he was sworn, and damnably incurring Perjury, and the Sentence of Excommunication against such Violators thereof by the Holy Fathers pronounced.

XXX. The faid King, without any reasonable or lawful Cause whatsoever, or any other Process of Law, did, in his Parliament, encompassed in Warlike Manner by armed Men, adjudge Thomas of Arundele, Lord Archbishop of Canterbury, (Primate of all England, his Spiritual Father, absenting himself by the treacherous Counsel of the said King) to Banishment, against the Laws of his Kingdom, so by him sworn to as aforesaid h.

XXXI. By Inspection of the Testament of the said King, fealed with the Great and Privy Seal, and also with his Signet, among other Things there is contained this Clause or Article: Item, We will that the Residue of our Gold (the true Debts of our Houshold, Chamber, and Wardrobe, being paid, for Payment whereof we bequeath 20,000 Marks, reserving to our Executors five or fix thousand Marks; which we will by them to be expended towards the more plentiful Maintenance of the Lepers and Chaplains, to celebrate before them, by us founded at Westminster and Bermondeseye) shall remain to our Successor, provided always that he approve, ratify, and confirm, and hold, and cause to be holden and firmly observed, all and singular the Statutes, Ordinances, and Judgments, made, given, and rendered in our Parliament, begun at Westminster the 17th Day of the Month of September, in the one-and-twentieth Year of our Reign, and in the same Parliament, continued at Shrewsbury, and there holden; and also all the Ordinances, Judgments, and Establish-

g See Vol. I. p. 486, 512. h Ibid. p. 465, 491.

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King Henry IV. Establishments of the 16th Day of September, in the 22d Year of our Keign, at Coventry; and afterwards at Westminster, the 8th Day of March, in the Year aforefaid, by the Authority of the faid Parliament; and likewife all other Ordinances and Judgments which shall bereafter happen to be made by Authority of the faid Parliament: But otherwise, if our said Successor shall refuse to perform the Premisses, which we do not believe, then we will that Thomas Duke of Surrey, Edward Duke of Albemarle, John Duke of Exeter, and William le Scrope. Earl of Wiltshire, paying first the Debts of our Houshold, our Chamber, and our Wardrobe, and reserving five or fix thousand Marks as aforesaid, shall have and hold all the said Residue above-mentioned, for to support and defend the said Statutes, Establishments, Ordinances, and Judgments to their utmost Power, even unto Death if it be necessary; upon all which, and every Part, we do hereby charge and burden their Consciences, as they will answer in the Day of Judgment. By which Article it may evidently enough appear, that the faid King did obstinately strive to maintain and defend those Statutes and Ordinances which are erroneous and unjust, and repugnant to all Law and Reason; and this not only during his Life, but after his Death too; neither regarding the Peril of his own Soul, nor yet the utter Destruction of his faid Kingdom or Liege People.

XXXII. In the 11th Year of the said King Richard, he the faid King, in the Chapel of his Manor of Langley, in the Presence of the Dukes of Lancaster and York, and very many other Lords, defiring, as it hath appeared, that his Uncle the Duke of Gloucester, then there present, should fully confide in the Good-will of him the faid King, did voluntarily, and of his own Accord, fwear before the Venerable Sacrament of the Lord's Body, there placed upon the Altar, that thenceforwards he would never endamage, trouble, or grieve him the faid Duke of Gloucester, for any of his Deeds which were faid to have been committed against the Person of him the faid King; but did chearfully and totally forgive him all his Offences, if any were; yet, afterwards, notwithstanding such Oath, the said King did horribly and cruelly cause the said Duke to be murdered, for such the

before-pretended Offences; thereby incurring the Guilt King Henry IV.

of damnable Perjury 1.

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XXXIII. After one of the Knights of the Shires of the faid Kingdom, having a Voice in Parliament, had impeached the said Thomas, Archbishop of Canterbury. upon certain Defaults committed against the King's Majesty, as was untruly suggested, and the said Archbishop, presently then and there, offered himself ready to answer the Matters charged upon him, and desired that he might be thereunto admitted by the King, not doubting, as he faid, but he should be able sufficiently to shew his Innocence; yet the faid King, contriving, by all the Ways and Means he could, to oppress the faid Archbishop of Canterbury, and ruin his Estate, as the Event of the Matter has declared, speaking graciously, and with a chearful Countenance to the faid Archbishop. from his Royal Seat, did advise, and very earnestly request him, that at that Time he would hold his Peace. and expect a better and more fit Time to make his Defence k; which Day being passed, the said King, from Day to Day, for five Days or more, did fraudulently and treacherously deceive the said Archbishop, counselling him, and persuading him, that he should not come to the Parliament, but wait at home without any Fear; because, as the said King faithfully did promise him, there should not, in his Absence, any Loss or Prejudice be done of happen to him; notwithstanding all which, the faid King, in his Parliament aforefaid, did, in the mean Time, adjudge the faid Archbishop to be banished during the King's Pleasure, though absent, and never any way called to answer, and without any reasonable Cause whatsoever; and also voluntarily, against the Laws of the Kingdom and all Justice, confiscated all his Goods; whereby he likewise became guilty of Per-But furthermore, the faid King, being willing to palliate his Malice and Subtilty, by flattering Discourses which he oft-times had with the faid Archbishop, did endeavour to clear himself of such Injury done, and make as if it were the Doings of others; infomuch that the Archbishop discoursing with the King, and with the Duke of Norfolk, and other Lords and Great Men of the Kingdom, happened to fay, by way of lamenting

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i See Vol. I. p. 476, 501. k Ibid. p. 466, 493.

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King Henry IV. his own Condition, 6 That he was not the first that had fuffered Banishment, nor should he be the last = for he thought in a short Time the Duke of Norfolk. and other Lords would follow him; and confidently averred to the King, That all the Rigour of these Proceedings would finally be returned back on his own "Head." To which the faid King, as aftonished, hastily replied, That he verily thought it might so happen ; and that he himself might, and indeed ought, to be expelled his Kingdom by his Liege People. And further the faid King said, That if the same should happen, he would convey himself to the same Place where the said Archbishop should be. And that the Archbishop might the rather credit his Words, he shewed him a certain great Tewel 1, curiously formed, underneath the Skirt of his outward Vestment; intimating for certain, to the said Archbishop, that whenever he should send that Tewel for a Token, he would not delay to come thither where the said Archbishop should be resident: And that the faid Archbishop might more confide in him, the faid King fent to him, advising him that he should privately fend all his Jewels, and other Things of Value, belonging to his Chapel, unto him the faid King, for the fafe-keeping thereof, lest, by Colour of the before-mentioned Judgment, any one should wrongfully seize the fame; which, under the greatest Confidence in the World, being done, the said King caused him to reposite the said Goods in certain Coffers, and the said Coffers to be locked up, and fealed by one of the Archbishop's Clerks, and, keeping the faid Coffers by him, returned the Keys thereof by the faid Clerk to the Archbishop; yet afterwards, unknown to the said Archbishop, caused the said Coffers to be broken open, and disposed of the Goods therein, at his Will and Pleasure. Furthermore, the faid King faithfully promised the said Archbishop, that if he would but repair to the Port of Hampton, in order to go out of the Realm, he would at last, by the Intercession of the Queen, get him recalled: And if it should happen, that he the said Archbishop should go out of the Realm, he should without Fail. return into England before Easter next following; nor should in any Kind lose his Archbishoprick; and this he faithfully

1 Monile, a Brooch or Tablet.

faithfully promifed, fwearing upon the Crofs of the late King Heary IV. Martyr St. Thomas, Archbishop of Canterbury, by him the said King corporally touched: All which Promises notwithstanding, the said King forced the said Archbishop to depart the Realm; and forthwith transmitted special Letters to the Apostolical See, to have him translated: And so, and by other Frauds and deceitful Tricks of the said King, the said Archbishop, being a well-meaning believing Man, was subtilly circumvented.

After the Recital of the foregoing Articles, the Record proceeds thus:

And because it seemed to all the Estates of the Realm, being asked their Judgments thereupon, as well ' feverally as jointly, that these Causes of Crimes and Defaults were sufficient and notorious to depose the faid King; confidering also his own Confession of his Infufficiency, and other Things contained in his faid Renunciation and Ceffion, openly delivered, all the ' faid States did unanimously consent, that, ex Abundanti, they should proceed unto a Deposition of the said King, for the greater Security and Tranquillity of the People, and Benefit of the Kingdom: Whereupon the faid States and Commons unanimously constituted, and publickly deputed, certain Commissioners, viz. The Bishop of St. Asaph, the Abbot of Glastonbury, the Earl of Gloucester, the Lord Berkeley, Sir Thomas Erpyngham, and Sir Thomas Grey, Knights, and Sir William Thirnyng, one of the Justices, to pass such Sentence of Deposition, and to depose the said King 6 Richard from all Kingly Dignity, Majesty, and Ho-'nour, on the Behalf and in the Name, and by the 4 Authority, of all the faid States, as in like Cases, from ' the antient Custom of the said Kingdom, had been obferved h. And forthwith the faid Commissioners, taking supon themselves the Burden of the said Commission, and fitting on a Tribunal before the faid Royal Chair of State, having first had some Debate of the Matter, 6 did, on the Behalf, and in the Name, and by the Authority aforesaid, pass the said Sentence of Deposition, being reduced into Writing; and caused such their

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h See the Proceedings upon the Deposition of King Edward II. in Vol. I. p. 182, 200, &c.

King Henry IV. Sentence to be read and recited by the faid Bishop of

St. Alaph, their Colleague, by the Will and Com-

mand of the rest of the said Commissioners, in these

Words:

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The Sentence of IN the Name of God, Amen. We John Bishop of St. Deposition passed Asaph, John Abbot of Glastonbury, Thomas Earl upon King Rich- of Gloucester, Thomas Lord Berkeley, Thomas de Erpyngham, and Thomas Grey, Knights, and William Thirnyng, Justice, Commissioners specially deputed to the Matters under-written, by the Peers and Lords Spiritual and Temporal of the Kingdom of England, and the Commons of the said Kingdom, representing all the Estates of the said Realm, sitting in Tribunal; and having considered the multiplied Perjuries, Cruelty, and very many other Crimes of the faid Richard, touching his Government, committed and perpetrated in his Kingdoms and Dominions aforesaid, during the Time of his Governance; all of them before the faid States openly and publickly propounded, exhibited, and recited; which have been and ere so public, notorious, manifest, and scandalous, that they could not, nor can, be concealed with Denial or Excuse. And considering likewise the Confession of the said Richard, acknowledging and reputing, and truly, and of his own certain Knowledge, judging himself to have been, and to be, utterly insufficient and unmeet for the Rule and Government of the said Kingdoms and Dominions, and their Appurtenances, and for such his notorious Demerits worthy to be deposed, as by him, the faid Richard, was before declared, and, by his Will and Command, published before the said States, and made known and exposed to them in the Vulgar Tongue; having already had diligent Deliberation upon these Things, and all others transacted in this Affair before the said States and us, we do, on the Behalf, and in the Name, and by the Authority to us in this Matter committed, ex Abundanti, and for Caution, pronounce, decree, and declare him, the faid Richard, to have been, and to be, unfit, unable, and utterly insufficient for, and unworthy of, the Rule and Government of the faid Kingdoms, and the Dominions, and Rights, and Appurtenances of the same; and, for and by Reason of the Premisses, to be deservedly Deposed of, and from, all Royal Dignity

Dignity and Honour, if any Thing of such Dignity and King Heary IV-Honour were yet remaining in him. And soith the same Caution we do Depose him by this our definitive Sentance in Writing, expressly forbidding all and singular the Lords, Archbishops, Bishops, and Presates, Dukes, Marquisses, Earls, Barons, Knights, Vassals, and Valvasors, and other Subjects and Liege People of the said Kingdom and Dominions, and other Places of the said Kingdom and Dominions belonging, that henceforth none of them shall any way obey or regard the said Richard as King or Lord of the said Kingdom and Dominions.

Furthermore, the said States willing that nothing should be wanting which might be of Value, or ought to be required, touching the Premisses, being severally interrogated thereupon, did constitute the same Persons that were before nominated Commissioners, to be their Procurators, jointly and severally to resign and give back to the said King Richard the Homage and Fealty to him before made, and to intimate to him, if it should be requisite, all the Premisses, touch-

ing fuch his Deposition and Renunciation.

And then presently, as soon as it appeared by the Premisses, and the Occasion of them, that the Crown of England, with its Appurtenances was vacant, the aforesaid Henry Duke of Lancaster, rising up from his Place, and standing so erected as he might conveniently be seen by the People, and humbly fortifying himself with the Sign of the Cross on his Forehead, and on his Breast, having also first called upon the Name of Christ, did claim the said Kingdom, so vacant as aforesaid, with its Crown and all its Members and Appurtenances, in this Form of Words in his Mother Tongue:

IN the Name of Faidir, Son, and Holy Ghost, I Henry [31] of Lancaster, chalenge this Reaume of Ynglonde, and the Corone, with all the Members and the Appurtenances, to the Crown. als I that am descendit, be right Line of the Blode, comyng fro the gude Lord Kyng Henry Therde, and thorghe that Right that God of his Grace bath sent mee, with Helpe of my Kyn, and of my Frendes to recover it; the which Reaume was in Poynt to be ondone for Defaut of Governance, and undoyng of the gude Lawes.

• After

After which Claim and Challenge, as well the King Henry IV. Lords Spiritual as Temporal, and all the States there f present, being severally and jointly interrogated what they thought of that Claim; the faid States, with the whole People, without any Difficulty or Delay, did unanimously consent, that the said Duke should reign over them. And forthwith, as the faid King shewed to the States of the Kingdom the Signet of King Richard delivered to him as a Token of his Will, that he fhould succeed him as aforesaid; the said Archbishop taking the faid King Henry by the Right Hand, led him to the Royal Chair of State: And after the faid King, kneeling down before it, had prayed a little while, the faid Archbishop of Canterbury, affisted by the Archbishop of York, did place the said King, and cause him to fit in the faid Royal Seat; all the People wonderfully shouting for Joy. And by and by the faid Archbishop of Canterbury, having with much ado procured Silence from the over-joyed Multitude, made a fhort Discourse, or Oration, in these Words:

> Vir dominabitur Populo, A Man shall reign over my People, I Sam. ix. 17.

The Archbishop Hese are the Words of the King of Kings, speaking to of Canterbary's

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Samuel, and teaching him bow a Person should be qua-Speech upon that lifted to rule, since the People desired to have a King given. And not unfitly may they be faid of our Lord the King, whom we behold this Day; and if we but intimately consider these Words, they afford us Matter of great Consolation; for God does not threaten us, as he did formerly his People by Isaiah, saying, Isa. iii. I will make Children to rule over them; but, according to his Compassion, who in his Wrath remembereth Mercy, he bath vifited his People, and now Children no more, as heretofore, shall lord it over them; for the Lord faith to them, A Man shall rule. Of the late Rulers of this Kingdom, or any of them, one might have fitly said that of the Apostle, Cor. xiii. I spake as a Child, I understood as a Child, I thought as a Child. The Apostle repeats it thrice, As a Child I spake, I understood and thought. As to Speech, it is certain that a Child is inconstant in speaking, he easily speaks true, and as easily false; is ready in Words to promife,

mife, but what he promises he presently forgets. Now, King Henry IV. these are Things very inconvenient and dangerous in a King; nor is it possible that any Realm shall stand long in Happiness where these Conditions bear Sway: But from such Mischiefs a Kingdom is freed, whose Scepter is swayed by a Man, for it belongs to a Man to fet a Watch before his Tongue; and such is our present Happiness, over whom not a Child, but a Man, is set, and such an one, as I hope we may say of him that in Eccles. ix. Blessed is the Man that hath not erred with his Tongue. faith the Apostle, I understood as a Child. Now, a Child relishes nothing but Flatteries and pleasing Things, and understands only Bawbles and Trifles, and loves not one that argues according to Truth, yea indeed hates him beyond all Measure: But heretofore, among st us, Truth was trampled under Foot, so that none durst speak it; and therefore it is plain and apparent enough, that he, that then reigned, understood as a Child. For a Man is not addicted to such Things, but understands Wisdom; so that, by the Grace of God, it may be said of him, as it is written, Eccles. ix. Blessed is the Man that abideth in Wisdom. For as a Child is delighted in Vanity, so a Man has Regard to Truth and Wisdom. Truth therefore shall enter, and Vanity depart, which has done so much Mischief in our Nation; for now a Man shall rule, who feeks after Truth, and not Vanity or Flattery. Thirdly, It is faid, I thought as a Child; for a Child thinks and studies only how to have his Humour, and do Things according to his own Will, and not according to Reason: Therefore, when a Child reigns, there only Self-Will reigns, and Reason is banished, and Constancy is put to Flight, and great Danger ensues; from which Danger we are delivered, for a Man hall Rule over us; to wit, one that speaks not like a Child; but thus as one that has the Perfection of Reason.—I come not to do my own Will, but the Will of him that fent me; to wit, of God: And therefore of such a Man we will say not only that he will abide in Wisdom, but also that as a Man, not a Child, he will meditate on the Circumspection of God; that is, he will every Way diligently observe that God's Will, not his own, be done; and so, in the Stead of a Child wantoning in foolish stubborn Humours, a Man shall reign, and such a Man that it shall be said of him-A King shall reign in Wisdom,

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King Henry IV. dom, and he shall execute Judgment, and do Justice in the Earth.

Which Harangue being ended, the faid Lord King Henry, to appeale the Minds of his Subjects, did then and there utter these Words:

SIRES,

Henry's Declara- I Thank G the Estate

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I Thank God and zowes Spirituel and Temporel, and all the Estates of the Lond, and do zowe to wyte, it es noght my Will that no Man thynke that he way of Conquest I wold disherit any Man of his Heritage, Franches, or other Rights that hym aght to have, no put him out of that that he has, and has had by the gude Laws and Custums of the Reaume; except those Persons that has been agan the gude Purpose and the comune Prosit of the Reaume.

And forthwith confidering that, by the former Vacancy of the Royal Throne, by the Cession and Dee position aforesaid, all Power of Justices, Sheriffs, and other Officers, throughout the Kingdom was ceased; therefore, to the End that there might be no Failure onor Delay in the Administration of Justice, to the Grievance of the People, he caused principal Officers and Justices to be made and fworn to him with the usual Oaths. And it was immediately proclaimed by the King's Command, that, on Monday next, after the faid Feast of St. Michael, a Parliament should be held and celebrated; and that on the Monday following, that is to fay, on the Feast of St. Edward, should be the Coronation of the faid King at Westminster, and that all those that could claim any Service in the said Coronation should come to the White-Hall of the Pae lace, before the Steward, Constable, and Marshal of England, on Saturday next before the Day of the faid Parliament, to make their just Demands in that Behalf, and receive Right therein. But as for the fhortning the Day affigned to the Parliament, there was a Protestation made by the King, That it was not his Intent that thereby any Prejudice should be brought upon the States of his Kingdom; nor that the same for the future should be drawn into Example; but that fuch Abbreviation of Time was only made for the Be-6 nefit

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- e nefit and Profit of the Kingdom, and especially to save King Henry IV.
- the Labour and Expences of several of his People, and
- that the Grievances of the People might be the fooner remedied.
- After which the King, arising from his Royal Throne, and beholding the People with a chearful and benign
- Countenance 1, retired himself from thence, all the
- People rejoicing; and the same Day, in the White-Hall aforesaid, made a solemn Feast to the Nobles and
- Gentry, there in a vast Multitude assembled.
- And afterwards, viz. on Wednesday next following, the before-named Procurators, so deputed as aforesaid, did, according as they were commanded, repair into the Presence of the said late King Richard, being within the Tower aforesaid; and the said Sir William Thirnyng the Justice, for himself and his Companions and Fellow-Procurators, in the Name of all the States and People aforesaid, did notify and fully declare unto the said Richard, their Admission of his said Renunciation, and the Manner, Cause, and Form of such Sentence of Deposition, and presently did resign and give back to the said late King Richard, the Homage and

The Words which William Thirnyng spake to Monfire Richard, late King of England, at the Tower of London, in his Chamber, on Wednesday next after the Feast of St. Michael the Archangel, were as sollow ":

'Fealty formerly to him made as aforesaid, with these

SIRE.

Words:

IT is wele known to zow, that ther was a Parlement so. Sir William moned of all the States of the Reaume for to be at count of the Westmynstre, and to begin on the Tuesaday in the Morrow Conversation beof the Fest of St. Michel the Archangel that was Zester-tween King day; by Cause of the which Somons all the States of this Richard and him Lond were there gadered, the which States hole made thes

Vol. II.

I Vulsu billari et benigno. Record.

m It is remarkable, that this very Sir William Thirnyng was Chief Juftice of the King's Bench in the 21st Year of Richard's Reign; and then declared, in the Parliament held at Shrewsbury, his Approbation of those Opinions in Law, for which the Judges had been banished ten Years before.—Sed Tempora mutantur. See Vol. I. p. 483, 509.

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King Henry IV. same Persones that ben comen here to zow now, ther Procurators, and gafen hem full Autorite and Power, and charged hem for to say the Words that we shall say to zow in ther Name, and on ther Behalve; that is to wytten, the Bishop of Seint Assa, for Ersbishoppes and Bi-Shoppes; the Abbot of Glastenbury, for Abbots and Priours, and all other Men of Holy Chirche, Seculers and Ruelers; the Erle of Gloucestre, for Dukes and Erles; the Lord of Berkeley, for Barons and Banerettes; Sir Thomas Irpyngham, Chamberleyn, for all the Bachilers and Commons of this Lond be South; Sir Thomas Grey, for all the Barbilers and Commons by North; and my Felawe Johan Markham and me for to come with hem, for all thes States. And for Sire, thefe Wordes, and the Doing, that we fall fay to zow, is not onlych our Wordes, but the Doyngs of all the States of this Lond, and our Charge in her Name.

And he answered and said, That he wyste wele that

we wold noght fay but as we were charged.

Sire, Ze remembre zow wele that on Moneday in the Fest of Seint Michel the Archangel, ryght here in this Chamber, and in what Presence ze renounced and cessed of the State of Kynge and of Lordeship, and of all the Dignite and Wyrship that longed thereto, and assoiled all zour Leiges of her Ligeance and Obeisance that longed to zow uppe the Fourme that is contened in the same Renunciation and Ceffion, which ze redde zourfelf by zour Mouth, and affermed it by xour Othe, and by zour owne Writing. Upon whiche ze made and ordeined your Procuratours the Ersbishoppe of Zork and the Bishoppe of Hereford, for to notifie and declare in zour Name thes Renunciation and Cession at Westmynstre, to all the States, and all the People that was there gadyrd, because of the Somons aforesaid, the which thus don Yesterday by thes Lords zour Procuratours, and wele herde and understooden, thes Renunciation and Ceffion were plenelich and frelich accepted, and fullich agreed by all the States and People foresaid. And over this, Sire, at the Instance of all thes. States and People, there ware certain Articles of Defautes in zour Governance redde there, and tho' wele herd and pleinelich understooden to all the States foresaid, hem thoght hem so trewe, and so notorie and knowen, that by tho Causes, and by no other, as thei sayd, and havyng Consideration

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fideration to zour owne Wordes in zour owne Renunciation King Henry IV. and Cession, that ze were not worthy, no sufficient, ne able for to governe, for zour owne Demerites, as it is more pleinelich contened therein, hem thoght that was resonable and Cause for to depose zowe; and ber Commissaries that they made and ordeined, os it is of Record, ther declared, and decreed, and adjudged zow for to be deposed, and pryved zow of the Aftate of King, and of the Lordeship conteined in the Renunciation and Cession for sayd, and of all the Dignitie and Wyrshipp, and of all the Administration that longed thereto. And we Procuratours to all thes States and People for sayd, os we be charged by hem, and by ber Autoritie gyffen us, and in her Name zelde zow uppe for all the States and People for sayd, Homage, Liege, and Feaute, and all Leigeance, and all other Bondes, Charges, and Services that long thereto, and that non of all thes States and People, fro thys Tyme forward, ne bere zew Feyth, ne do zow Obeisance as to thar King.

And he answered and seyd, That he loked not theraster; but he seyde, That, after all this, he hoped that

is Cofyn wolde be gode Lord to hym.

So far the Record.

Sir John Hayward tells us, That when the Committee, appointed to receive Richard's Refignation, affembled at the Tower for that Purpose, the Day before this Parliament was to begin, the unhappy Monarch was brought forth, apparelled in his Royal Robe, the Diadem on his Head, and the Scepter in his Hand, and was placed amongst them in a Chair of State. He adds, That, after a litte Pause and Expectation, the King arose from his Seat, and spake to the Assembly these Words, or the very like in Effect ":

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I Assure myself that some at this present, and many here-Richard's Speech after, will account my Case lamentable; either that I to the Commitbave deserved this Dejection, if it be just; or if it be receive his Rewrongful, that I could not avoid it. Indeed I do confess, signation, that many Times I have shewed myself both less provident and less painful for the Benesit of the Commonwealth than

m Hayward's Life of King Henry IV. p. 86. But we doubt the Historian has put these Words in King Richard's Mouth long after his Death, there being no Mention of any such on Record: Or, if he did speak to this Purpose, they were not suffered to be enrolled.

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King Henry IV. I should, or might, or intended to do hereafter; and have, in many Actions, more respected the satisfying of my own particular Humour, than either Justice to some private Persons, or the common Good of all; yet I did not, at any Time, either omit Duty or commit Grievance, upon natural Dulness or set Malice; but partly by Abuse of corrupt Counsellors, partly by Error of my youthful Judgment. And now the Remembrance of these Oversights is so unpleafant to no Man as to myself; and the rather, because I have no Means left, either to recompense the Injuries which I have done, or to testify to the World my reformed Affections, which Experience and Stayedness of Years had already corrected, and would daily have framed to more Perfection. But whether all the Imputations wherewith I am charged be true, either in Substance, or in such Quality as they are laid, or whether, being true, they be so heinous as to enforce these Extremities; or whether any other. Prince, especially in the Heat of Youth, and in the Space. of two-and-twenty Years, the Time of my unfortunate Reign, doth not sometimes, either for Advantage, or upon Displeasure, in as deep Manner grieve some particular Subject, I will not now examine: It helpeth not to use Defence, neither booteth it to make Complaint; there is no Place left for the one, nor Pity for the other; and therefore I refer it to the Judgment of God, and your less distempered Considerations.

I accuse no Man; I blame no Fortune; I complain of nothing; I have no Pleasure in such vain and needless Comforts; and if I listed to have stood upon Terms, I know I have great Favourers abroad, and some Friends, I hope, at home, who would have been ready, yea forward, on my Behalf, to set up a bloody and doubtful War; but I esteem not my Dignity at fo high a Price, as the Hazard of fo great Value, the Spilling of so much English Blood, and the Spoil and Waste of so flourishing a Realm, as thereby might have been occasioned. Therefore, that the Commonwealth may rather rife by my Fall, than I stand by the Ruin thereof, I willingly yield to your Desires; and am here come to dispossess myself of all public Authority and Title, and to make it free and lawful for you to create, for your King, Henry Duke of Lancaster, my Cousin German, whom I know to be as worthy to take that Place, as I fee

you willing to give it to him.

There

There was no farther Business done the first Day, King Henry IV. but the reading of the above Record, before the Parliament; and the Monday following, being the Feast of King Henry St. Edward, King and Confessor, was appointed for Henry's Coronation, which was performed at Westminfler, with the usual Ceremonies.

The next Day the Parliament met again, when the Commons presented to the King Sir John Cheney, for wood chosen their Speaker, whom the King accepted, and he made speaker on the the usual Protestation, which was also allowed. But the Sickness of Sir Day following the faid Sir John, with the Commons, John Cheney. came again before the King, and declared, That, by reason of a sudden Disorder, he was unable to serve, and that they had chose Sir John Darewood in his Place; befeeching the King to allow the faid Sir John Darewood to be Speaker for the Commons: Which said Knight, having also made the usual Protestation, was allowed as before.

Then the Commons, with the Assent of the Bishops A Subsidy grantand Lords, for the great Love and Affection which they ed. bore their Lord and Sovereign, with other fulfome Compliments, and in order to provide for the War against Scotland, Defence of Calais and Ireland, and the Amendment of the State, also in Hopes that their Requests should be granted, gave to the King, for three Years, the Subsidy on Woolls, Skins, and Wooll-fells; that is, 50s. on every Sack from Denizens, and 31. from Aliens; also one Tenth and one Fisteenth.

The next Thing this Parliament went upon was, to pass an Act of Indemnity to screen those who, during Act of Indemnity to foreen those who, during ty for King Henthe late Troubles, had taken up Arms in Favour of the ry's Adherents. King, then Duke of Lancaster; likewise to pass an Act for the repealing the whole Proceedings of the Parliament at Shrewsbury, 21 Richard II. and to confirm that Parliament which was held the 11th of the faid King, except the Effect of the Pardon granted by the faid Statute of the 21st of Richard II. which they ordained should fland, notwithstanding the rest of it was repealed m. Also it was enacted, That nothing, for the suture, should be esteemed or adjudged to be Treason, but what was ordained to be so by the 25th of Edward III. and that all blank Charters whatfoever, which the City of London.

F Statutes at large, Anno 1 & 2 Henry IV. Walfingbam, p. 361.

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King Henry IV. London, and seventeen Counties besides, had been forced to feal and give to King Richard, should be utterly void.

> The Archbishop of Canterbury moved the House for their Consent to address the King, that he would please to create Henry, his eldest Son, Prince of Wales, Duke of Cornwall, and Earl of Chefter. Upon which the King. fitting in his Royal Seat, in full Parliament, put a Coronet on the Head of the faid Henry, his eldest Son, a Ring of Gold on his Finger, and gave him a Golden Rod in his Hand, and kissed him; also, by a Charter then given him, he was created Prince of Wales n, &c. His Uncle, the Duke of York, put the Robes on the young Prince, and afterwards brought him to the Seat affigned, for that Principality, in Parliament. It was also then enacted by all the Estates, that the said Prince should succeed his Father in the Realm of England; and they all promifed to accept and obey him accordingly.

> The next Day, being Thursday, the Archbishop of Canterbury moved, in the Upper House, that the Lords should in no wife disclose any Thing that should then be put to them; which being promised by all, the Earl of Northumberland put this important Question to. the House, What they would advise was fit to be done with Richard the late King, in order to his keeping in safe Custody; for the King would have his Life saved by

Motion as to the Disposal of the

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all Means P? - To which all the Lords, whose Names are late King's Per- here under-written, being severally examined, answered, That it feemed adviseable to them, that he should be

• put under a sase and secret Guard, and in such a Place

where no Concourse of People might resort to him,

and that he be guarded by trusty and sufficient Persons; and that no Person who had been familiar with him,

fhould be about his Person; and that it should be done

in the most secret Manner that can be devised.'—This Sentence, which was now agreed on fo privately, was, on

the 27th of October, adjudged and confirmed before the

This Charter is extant in Rymer's Fad. Anglia, Tom. VIII. p. 91. It is only for the Duchy of Cormwall, wherein all the Lands, Hereditaments, &c. belonging to it, are expressed. The next Instrument is for the Principality of Wales. In this Parliament also he was created Duke of Aqui-

o The Prince was just then twelve Years old. Holling Chron. p. 511. P Sa Vie quele le Roy voet que lui soit sauvez en touts Maneres. Reçord.

King in the Great Hall of Westminster in full Parlia-King Heavy IV. ment, with Addition only, That his Imprisonment should be made perpetual 4.

The Names of the Lords who, being asked, assented to the Question, are these following:

The Archbishop of Can-Earl of Worcester. Lord Ross. terbury. Archbishop of York. Lord Grey of Ruthin. Bishop of London. Lord Charleton. Lord Bardolfe. Bishop of Ely. Bishop of Lincoln. Lord Willoughby. Bishop of Norwich. Lord Furnival. Lord Ferrers. Bishop of Rochester. Bishop of Salisbury. Lord Beaumont. Bishop of Exeter. Lord Berkeley. Bishop of Chichester. Lord Fitz-Walters. Bishop of St. Asaph. Lord Mauley. Bishop of Chester. Lord Scales. Bishop of St. David's. Lord Morley. Bishop of Llandaff. Lord Burnel. Bishop of Durham. Lord Lovel. Abbot of Westminster. Lord Camois. Abbot of St. Alban's. Lord Seymor. Abbot of St. Austin. Lord Cromwel. Abbot of Bury. Lord Cobham. Abbot of St. Mary's, York. Lord Fitz-Hugh. Abbot of Gloucester. Lord de Bergavenny. Lord Lumley. Abbot of Battel. The Prince. Baron of Greystock. Baron of Hilton. Duke of York. Sir Henry Piercy. Earl of Arundele. Earl of Warwick. Sir Robert Scrope. Sir Thomas Erpingham, Earl of Stafford. Earl of Northumberland. Chamberlain. Earl of Suffolk. Sir Matthew Gowin.

The Peers prefent at that Queftion.

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It is observable, that the Bishop of Carlisse is not in this List, and indeed there is great Reason for it; he being the only Man, either in the Prelacy or Laity,

⁹ Feuft adjugges a perpetuel Prisone. Record.

The Reader may observe, upon comparing this wi

r The Reader may observe, upon comparing this with the foregoing Lift, that most of the Lords who composed the last Ministry were absent on this Occasion. See before, p. 4.

King Henry IV. that had the Courage to oppose this Usurpation at that Sir John Hayward has given us a Speech made by this Bishop, on the Occasion, when the last Question was put in the House of Lords. We shall not contest the Genuineness of it; so much is certain, that this honest Man suffered greatly for his Loyalty to the. deposed Prince; being deprived of his Dignity, put under a long Imprisonment, and, had it not been for his Order which was then held too facred, must have died the Death of a Traitor. If it be objected, that it was now too late to make Speeches, when the new King was actually crown'd, the aforesaid Author has in some Measure accounted for that, in remarking, That this Prelate was a Man both learned and wife, and always used both Liberty and Constancy in a good Cause; that in his secret Judgment he never gave Allowance to these Proceedings, yet he dissembled his Dislike untill he might, to some Purpose, declare it; therefore, now, adds he, being in a Place to be heard of all, and, by Order of the House, to be interrupted by none, he rose up with a bold and resolute Spirit, and uttered his Mind as followeth:

[42] Bishop of Carlisse's Speech against it,

This Question, Right Honourable Lords, concerneth a Matter of great Consequence and Weight; the determining whereof will assuredly procure either safe Quiet, or dangerous Disturbance, both to our particular Consciences, and also to the common State. Therefore, before you resolve upon it, I pray you call to your Consideration these two Things;

9 Life of King Henry IV. Lond. 1630. p. 101. It is also in Hol Chron.

The Name of this Bishop of Carlifle was Thomas Merks, alias, of Newmarket, alias, Sumestre. He had been consecrated An: 1397, was deprived in 1399, but lived several Years after. Le Neve's Fasti Ecclesiae Anglicanae, p. 334.

canæ, p. 334.

Walfingbam fays, He was made by the Pope Titular Bishop of Samos.

Sir Walter Raleigh writes, that he was the only honest Man in this Parliament, who scorned his Life and Fortune, in Respect to his Sovereign's Right and his own Allegiance. Prerogative of Parliaments, p. 85.

This Bishop attended Richard in his Expedition to Ireland. See Vol. I.

P. 500, 525.

Rapin, upon introducing an Abstract of this Speech, says, that the Commons, not fatisfied with the bare Deposing of King Richard, would have had him tried in Form, and petitioned the King for that Purpose. His Marginal Note on this refers to Cotton's Abridgement for his Authority; whereas there is not one Word of this Petition mentioned in the Abridges's Account of this Parliament, nor on the Rolls themselves. Rapin, Fel. Edit. p. 486.

first, Whether King Richard be sufficiently deposed or King Henry IV. no. Secondly, Whether King Henry be with good ' Judgment or Justice chosen in his Place. For the first Point we are first to examine, Whether a King, besing lawfully and fully inftituted by any just Title, ⁶ may, upon Imputation either of Negligence or of Tyranny, be deposed by his Subjects: Secondly, What King Richard hath omitted in the one, or committed in the other, for which he should deserve so heavy I will not speak what may be done in a ' Judgment. Popular State, or in a Consular; in which although one beareth the Name and Honour of a Prince, yet he hath not Supreme Power of Majesty; but, in the one, the People have the highest Empire; in the other, the Nobility and chief Men of Estate; in neither, the Of the first Sort was the Commonwealth of the Lacedemonians; who, after the Form of Govern-• ment which Lycurgus framed, oftentimes fined, often-'times fettered their Kings, and fometimes condemned them to Death; such were also, in Casar's Time, the e petty Kings of every City in France, who were many Times arraigned upon Life and Death, and, as Ambiorix, Prince of the Leodienses, confessed, had no greater 'Power over the People, than the People had over them. • Of the second Condition were the Roman Emperors at the first; of whom some, namely, Nero and Maximianus, were openly condemned; others were fuddenly fur-* prized by Judgment and Authority of the Senate; and fuch are now the Emperors of Germany, whom the other Princes, by their Aristocratical Power, do not only restrain, but sometimes also remove from their Imperial State; fuch are also the Kings of Denmark and Swede-' land, who are many Times by the Nobility dejected. either into Prison or into Exile; such likewise are the Dukes of Venice, and of some other Free States in Italy; 'and the chiefest Cause for which Lewis Earl of Flanders was lately expelled from his Place, was for drawing to himself Cognizance in Matters of Life and Death, 'which high Power never pertained to his Dignity.

In these and such like Governments, the Prince hath not regal Rights, but is himself subject to that Power which is greater than his; whether it be in the 'Nobility or the Common People. But if the Sove-' reign

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King Henry IV. 6 reign Majesty be in the Prince, as it was in the three first Empires, and in the Kingdom of Judea and Ise rael; and is now in the Kingdoms of England, France, Spain, Scotland, Muscowy, Turkey, Tartary, Persia, Ethiopia, and almost all the Kingdoms of Asia and · Africa; although, for his Vices, he be unprofitable to the Subject, yea hurtful, yea intolerable; yet can they lawfully neither harm his Person, nor hazard his • Power, whether by Judgment, or else by Force: For e neither one, nor all Magistrates, have any Authority over the Prince, from whom all Authority is derived, and whose only Presence doth silence and suspend all inferior Jurisdiction and Power. As for Force, what Subject can attempt, or affift, or counsel, or conceal · Violence against his Prince, and not incur the high 4 and heinous Crime of Treason?

'It is a common Saying, Thought is free; free indeed from Punishment of Secular Laws, except by Word or Deed it break forth into Action; yet the fecret Thoughts against the sacred Majesty of a Prince, without Attempt, without Endeavour, have been adindged worthy of Death; and some who, in Auricular Confession, have discovered their treacherous Devices against the Person of their Prince, have afterwards been executed for the fame. All Laws do exempt a Madman from Punishment, because his Actions are onot governed by his Will and Purpose; and the Will of Man being fet aside, all his Doings are indifferent, neither can the Body offend without a corrupt or erroneous Mind: Yet if a Madman draw his Sword upon his King, it hath been adjudged to deserve Death. And left any Man should surmise that Princes,

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for the Maintenance of their own Safety and Sovefreignty, are the only Authors of these Judgments, let us a little consider the Patterns and Precepts of Holy Scripture. Nebuchadnezzar, King of Affyria, wasted all Palestine with Fire and Sword; besieged Ferusalem a long Time, and at the last took it; slew the King; burnt the Temple; took away the Holy Vessels and

Treasure; the rest he permitted to the Cruelty and Spoil of his unmerciful Soldiers, who defiled all Places

with Rape and Slaughter, and ruinated to the Ground
 that flourishing City: After the Glut of this bloody
 Butchery,

Butchery, the People that remained he led captive into King Henry IV.

Chaldea; there he erected his Golden Image, and

commanded that they which refused to worship it,

• should be cast into a fiery Furnace. What Cruelty, what Injustice, what Impiety is comparable to this? And yet God calleth Nebuchad-• nezzar his Servant, and promifeth Hire and Wages for his Service: And the Prophets Jeremiah and Baruch did write to the Jews to pray for the Life of him, and of Beltesbazzar his Son, that their Days might be upon Earth as the Days of Heaven: And Ezekiel, with bitter Terms, abhorreth the Disloyalty of Zedekiah, because be revolted from Nebuchadnezzar, whose Homager and Tributary he was. What shall we say of Saul? Did he not put all the Priests to Execution, because one of them did relieve holy and harmless David? Did he not violently perfecute that his most faithful Servant and dutiful Son-in-Law, during which Pursuit he fell twice into the Power of David; who did not only spare, but also protect the King; repro-• ved the Pretorian Soldiers for their negligent Watch; and was touched in Heart for cutting away the Lap of his Garment; and afterwards caused the Messenger to be slain, who, upon Request, and for Pity, had lent his Hand (as he faid) to help forward the voluntary Death of that facred King? As for the contrary Examples, as that of Jehu who slew Jeheram and Aha-'ziah, Kings of Israel and Judah; they were done by express Oracle and Revelation from God, and are no more fet down for our Imitation, than the robbing of the Egyptians, or any other particular and privileged Commandment; but in the general Precept, which all Men must ordinarily follow, not only our Actions, but our Speeches also, and our very Thoughts, are strictly charged with Duty and Obedience unto Princes, whe-6 ther they be good or evil. The Law of God ordaineth, That he which doth presumptuously against the Ruler of the People shall die; and the Prophet David forbiddeth to touch the Lord's Anointed; Thou shalt not rail ' upon the Judges, neither speak Evil against the Ruler of the People. And the Apostles do demand further, that even our Thoughts and Souls be obedient to higher Powers; and lest any should imagine that they meant

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King Henry IV. 6 of good Princes only, they speak generally of all; and further, to take away all Doubt, they make express Mention of the Evil. For the Power and Authority of wicked Princes is the Ordinance of God; and therefore Christ told Pilate, That the Power which he had was given him from above; and the Prophet Isaiah calleth Cyrus, being a profane and heathen Prince, the Lord's Amointed. For God stirred up the Spirit even of wicked Princes to do his Will; and, as Fehofaphat said to his Rulers, they execute not the Judgment of Man, but of the Lord: In regard hereof David calleth them Gods; because they have their Rule and Authority immediately from God; which if they abuse, they are not to be adjudged by their Sub-• jects, for no Power within their Dominion is superior to theirs; but God reserveth them to the sorest Trial: · Horribly and suddenly, faith the Wiseman, will the Lord appear unto them, and a hard Judgment shall they have. The Law of God commandeth, that the Child • shall be put to Death for any Contumely done unto the Parents; but what if the Father be a Robber? If a Murderer? If for all Excess of Villainies, odious and execrable both to God and Man? Surely he deferveth the highest Degree of Punishments, and yet must not the Son lift up his Hand against him, for no Offence is so great as to be punished by Parricide: But our Country is dearer unto us than our Parents; and the Prince is Pater Patrix, the Father of our Country; and therefore more facred and dear unto us than our Parents by Nature, and must not be violated, how imperious, how impious foever he be: Doth he command or demand our Perfons or our Purses; we must not shun for the one, nor shrink for the other; for, as Nehemiab faith, Kings have Dominion over the Bodies and over the Cattle of their Subjects, at their e Pleasure. Doth he enjoin those Actions which are contrary to the Laws of God? We must neither wholly obey nor violently refist, but with a constant Courage submit ourselves to all Manner of Punishment, and Thew our Subjection by enduring, and not • performing; yea the Church hath declared it to be an · Herefy, to hold that a Prince may be flain or deposed by his Subjects, for any Disorder or Default, either in Life,

Life, or else in Government. There will be Faults King Henry IV.

fo long as there are Men; and as we endure with Patience a barren Year if it happen, and unseasonable

Weather, and such other Defects of Nature, so must we tolerate the Impersections of Rulers, and quietly

expect either a Reformation, or else a Change.

But, alas! good King Richard, why such Cruelty? What such Impiety hath he ever committed? Examine rightly those Imputations which are laid against him, without any false Circumstance of Aggravation, and you shall find nothing objected, either of any Truth, or of great Moment. It may be, that many Errors and Oversights have escaped him, yet none so grievous to be termed Tyranny; as proceeding rather from unexperienced Ignorance, or corrupt Counsel, than from any natural or wilful Malice. Oh, how shall the World be pestered with Tyrants, if Subjects may rebel upon every Pretence of Tyranny! How many good Princes shall daily be suppressed by those, by whom they ought to be supported! If they levy a Subsidy, or any other Taxation, it shall be deemed

Oppression: If they put any to Death for Traiterous Attempts against their Persons, it shall be exclaimed Cruelty: If they do any Thing against the Lust and Liking of the People, it shall be proclaimed Tyranny.

But let it be that, without Authority in us, or Defert in him, King Richard must be deposed: Yet what Right had the Duke of Lancaster to the Crown? Or what Reason have we, without his Right, to give it to him? If he make Title as Heir unto King Richard, then must be yet stay untill King Richard's Death; for no Man can succeed as Heir to one that liveth. 6 But it is well known to all Men, who are not either wilfully blind or grofly ignorant, that there are some on now alive, lineally descended from Lionel Duke of ⁶ Clarence, whose Offspring was, by Judgment of the 6 High Court of Parliament, holden the ninth Year of the Reign of King Richard, declared next Successor to the Crown, in case King Richard should die without Issue : Concerning the Title from Edmund Grouchback, I will pass it over; seeing the Authors thereof are become ashamed of so absurd Abuse, both of their

See Vol. I. p. 387, 414, and in this Volume, p. 2.

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Ring Henry IV. 6 own Knowledge and our Credulity; and therefore all the Claim is now made by Right of Conquest; 6 by the Cession and Grant of King Richard; and by 6 the general Consent of all the People. It is a bad 6 Wooll that will take no Colour: But what Conquest 6 can a Subject pretend against his Sovereign, where the 6 War is Insurrection, and the Victory high and heinous 9 Treason? As for the Resignation which King Richard 6 made, being a pent Prisoner for the same Cause, it is 6 an Act extorted by Force, and therefore of no Validity to bind him: And seeing that, by the Laws of this 6 Land, the King alone cannot alienate the antient 6 Jewels and Ornaments pertaining to the Crown, sure-6 ly he cannot give away the Crown itself, and there-6 withall the Kingdom.

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Neither have we any Custom, that the People at Pleasure should elect their King; but they are always 6 bound unto him, who, by Right of Blood, is right Succeffor; much less can they confirm and make good that Title, which is before, by Violence, usurped; for nothing can then be freely done, when Liberty is once restrained by Fear. So did Scylla, by Terror of his Legions, obtain the Law Velleia to be made, whereby he was created Dictator for Fourscore Years: And, by like Impression of Fear, Casar caused the Law · Servia to be promulged, by which he was made pere petual Dictator: But both these Laws were afterwards adjudged void. As for the Deposing of King Edward the Second, it is no more to be urged than the Poisoning of King John, or the Murdering of any other good and lawful Prince (we must live according to Laws, and not to Examples); and yet the Kingdom was not then taken from the lawful Successor. But if we look back to Times lately past, we shall find that these Titles were more strong in King Stephen, than they are in For King Henry I. being at • the Duke of Lancaster. large Liberty, neither restrained in Body, nor conftrained in Mind, had appointed him to succeed, as it was, upon good Credit, certainly affirmed. The People affented to this Designment; and thereupon, without Fear, and without Force, he was anointed King, and obtained full Possession of the Realm ". Yet Henry, • Son

Son of the Earl of Anjou, having a nearer Right, by his King Henry IV

Mother, to the Crown, notwithstanding his Father was a Stranger, and himself born beyond the Seas.

4 raised such rough Wars upon King Stephen, that there was no End of spoiling the Goods and spilling the

Blood of the unhappy People, besides the Ruins and Deformities of many Cities and Holds, untill his law-

'ful Inheritance was to him assured. It terrifieth me

to remember how many flourishing Empires and Kingdoms have been, by Means of fuch Contentions,

either torn in Pieces with intestine Division, or sub-

dued to foreign Princes, under Pretence of Affistance

and Aid; and I need not repeat how this Realm hath heretofore been shaken with these several Mischiefs.

And yet neither the Examples of other Countries, nor

the Miseries of our own, are sufficient to make us to 6 beware.

O Englishmen, worse bewitched than the soolish Galatians! Our unstaid Minds and restless Resolutions do nothing else but hunt after our own Harms: No People have more Hatred abroad, and none less Quiet 'at home: In other Countries the Sword of Invasion

hath been shaken against us: In our own Land, the .

Fire of Infurrection hath been kindled among us: And what are these Innovations, but Whetstones to sharpen

the one, and Bellows to blow up the other?

• Certainly I fear that the fame will happen unto us which E fop fableth to have been fallen unto the Frogs, who, being desirous to have a King, a Beam was given unto them; the first Fall whereof did put them in fome Fear, but when they faw it lie still in the Stream, they infulted thereon with great Contempt, and defired a King of quicker Courage; then was fent unto them a Stork, which, stalking among them with stately Steps, continually devoured them. The Mildness of King Richard hath bred in us this Scorn, interpreting it to be Cowardice and Dulness of Nature; the next 'Heir is also rejected: I will not say that with greater 'Courage we shall find greater Cruelty; but if either of these shall hereafter be able to set up their Side, and bring the Matter to Trial by Arms, I do affuredly fay that, which Part soever shall carry the Fortune of the ' Field, the People both Ways must go to Wreck. And

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King Henry IV. 4 thus have I declared my Mind concerning this Queftion, in more Words than your Wisdom, yet fewer than the Weight of the Cause, doth require; and do boldly conclude, That we have neither Power nor Policy, either to depose King Richard, or to elect Duke Henry in his Place; that King Richard remaineth still our Sovereign Prince, and therefore it is not "lawful for us to give Judgment upon him; that the Duke, whom you call King, hath more offended against the King and the Realm, than the King hath done, either against him or us: For being banished the Realm for ten Years by the King and his Council, amongst whom his own Father was Chief and [50] fworn not to return again without special Licence, he hath not only violated his Oath, but, with impious Arms, disturbed the Quiet of the Land, and dispossesfed the King from his Royal Estate, and now demandeth Judgment against his Person, without Offence proved. or Defence heard. If this Injury and this Periury doth nothing move us, yet let both our private

For which he is charged with High Treason.

This Speech, fays the Historian from whom we now quote, was differently taken, as Men were then differently affected, between Fear, Hope, and Shame; yet the major Part, by far, shewed themselves in the Interest of their new King Henry; and the Orator was instantly attached of High Treason, by the Earl Marshal, and fent Prisoner to the Abbey of St. Alban's. Counsel, adds he, then contemned, was afterwards better thought upon; partly in the Life-time of this King Henry, during whose Reign scarce a Year passed

and common Dangers fomewhat withdraw us from

a See before in Vol. I, p. 494, 520.

4 these violent Proceedings b.'

b Our immortal Shakespear, in his Historical Play of King Richard II. has given us the Substance of this Speech, made by the Bishop of Carliffe, in his elegant Manner. Theobald's First Edition, p. 316.
The same great Poet, at the Conclusion of this Play, when the said Bi-

shop was brought before Henry to receive his Sentence for being concerned

in an Infurrection against him, makes the King speak thus:

King. " Carlifle, this is thy Doom.

"Chuse out some secret Place, some reverend Room,

" More than thou hast, and with it joy thy Life; " So, as thou livest in Peace, die free from Strife.

" For though mine Enemy thou hast ever been,

"For though mine Enemy though The I have feen,"
"Ibid. p. 340.

without much Slaughter and Execution; but more espe-King Henry IV. cially in the Reigns succeeding. For, within the Space of thirty-fix Years after this, twelve fet Battles were fought in this Realm, and on this Quarrel, by Englishmen only; and more than fourscore Princes, of the Blood Royal of England, flain by each other's Swords c. And, we may add, That the Hand of Death did not stop till it had actually extinguished all the Male Heirs of each Line.

It cannot be amis to quote one whole Paragraph from a late Historian, containing his Reflections on the Conduct of this Parliament, in the Sentence of King Richard's perpetual Imprisonment; and, what is agreed by more antient Historians, though it is not in the Records, that there was made to it this terrible and unjust Addition, That if, at any Time, any Insurrection should be made in his Favour, he should be the first that should fuffer Death for it d. Because we think that here the Foreigner shews his Partiality on the Side of Monarchy. and seems to own that Parliaments are capable of acting as unjustly as the most absolute Kings (a Circumstance few will believe that have not well noted this Passage) and we therefore shall give it in his Translator Tindal's own Words ::

It is not my Business to determine how far the Mr. Rapin's Re-Authority of the Parliament may be extended, with marks on the respect to the King's Person; I shall only observe, Sentence against King Richard. that this is the fecond Instance of the Deposing of a

King of England, without hearing his Defence, or fo much as observing the usual Formalities prescribed by the Law, in the Trial of the meanest Subject.

· Parliament which deposed Edward II. was satisfied with decreeing, that he should be kept in safe Custody

during Life: But this Parliament, to Richard's De-

opoling, adds the Sentence of Death; for no otherwife can the Condition be confidered upon which his

Life is granted. Let us farther remark, that one of

the chief Articles of Accusation against this Prince,

was his putting to Death the Duke of Gloucester his

• Uncle, without a previous Trial; and this same Par-Vol. II. ' liament

e Sir John Hayward, p. 110. Holling. p. 511. 4 Hall's Chron. Fol. X and Grafton, p. 408.

e. Rapin, Vol. I. p. 487.

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King Henry IV. 4 liament condemns him unheard, upon his bare Confession, when a Prisoner; not that he is guilty of the * particular Crimes laid to his Charge, but that he is, in his own Opinion, unworthy to wear the Crown. They are not content with ffripping him of his Royalty, but order him to be imprisoned for Life. What do I say? They really condemn him to die, fince, in feeming to grant him his Life, they add a Condition, which probably must soon make him lose it. If in perusing the Reign of Richard II. one cannot help detesting the Prin-

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fubject the Lives, Honours, and Fortunes of the Nation to the King's Will, what ought we to think of this? By a contrary Excess, they put the Life and Honour. of the King himself in the Power of his Subjects, and refuse the Sovereign a Privilege, which every English Subject has a Right to demand. The Examples these two Parliaments afford, are a clear Evidence that the • English Constitution can never pretend to that Degree of Perfection, boafted by some, till the Bounds to be • prescribed to the Prerogative Royal, and the Privileges of Parliament, are precisely determined.

ciples of the Shrewsbury Parliament, which tended to

liament.

To proceed with the Business transacted in this Par-Farther Proceed-liament: The Commons appeared again with their ings of this Par- Speaker, and declared to the King, that the Duke of Brittany had fent Word that he was ready to do all which the King would defire him, and therefore prayed that the Earldom of Richmond, being his own Inheritance, might not be granted away by any Letters Patent; which Petition was made a Request from the Commons, and granted.

The Duke of York, the Earl of Northumberland, and others of Kindred to the Archbishop of Canterbury, prayed the King that the faid Archbishop might have his Recovery against Roger Walden, who had been made Archbishop of Canterbury during the other's Exile, for fundry Wastes and Spoils done by the said Roger in the Archbishoprick aforefaid; which the King instantly granted, and thanked them for their Motion. But the Commons, upon hearing of this Award, prayed the King that, fince they were not made privy to the Judgment aforesaid, no Record might be made to charge or make

make them Parties therein. To which the Archbishop King Henry IV. of Canterbury, by the King's Command, answered.

That the Commons in Parliament were only Peti-A particular tioners, and that all Judgments belong to the King Judgment against

and Lords; unless it was in Statutes, Grants of Sub-the Commons.

'fidies, or fuch like;' which Ordinance the King willed, should be from that Time observed.

The two Northern Earls, Northumberland and Westmoreland, requested the King that he would purge them
from a Reproach cast on them, 'That they had advised
'the King to make War on Scotland.' The King took
it upon himself, and caused the Earl of Northumberland
to ask every Lord there, separately, his Opinion relating to the said War; who all encouraged the King
to undertake it. To which he added, by his own
Mouth, first thanking them for their good Advice, That
he would venture both his Body and Blood in that Cause,
or in any other for the Good and Safety of the Realm.

To the King's eldest Son, besides the Titles and Principalities already conserred this Parliament, were added the Dukedoms of Aquitain and Lancaster; to the latter of which were given all such Liberties and Franchises as were heretofore granted to the Duke of the said Duchy; and that they should remain to his eldest Son, and to his Heirs, Dukes of Lancaster, dissevered from the Crown of England; and thereupon the King delivered a Charter thereof, made in Parliament, to Henry his eldest Son.

The King enacted, by the Affent of the Lords, That a certain new People, disguised in white Garments, coming from beyond Sea, and pretending great Sanctity, should in no wife be suffered to tarry or harbour within the Realm.

Next follow several private Affairs, too tedious to mention, except that, on the Petition of Sir Thomas Haxey, Clerk, the King pardoned and revoked the Judgment made against him in the 20th Year of King Richard's Reign, and restored him to Blood, and the Recovery of all his Goods, Livings, Lands, and Tenements 2.

g He was then a Member of Parliament, and was sentenced to Death, for bringing in a Bill to regulate the King's Houshold, Anno 20 Rich, II. See Vol. 1. p. 458, 484.

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King Henry IV.

Richard Clifford, then Keeper of the Privy Seal Richard Metford, Bishop of Salisbury, and Master Henry Bowett, Clerk, were also restored as above; the last Perfon was soon after made Archbishop of York. The Commons also petitioned the King, That he would please to consider the poor Estate of the Duchess of Ireland, that the Lands of her own Barony might be assigned to her in this present Parliament. The King returned the Commons many gracious Thanks for this Prayer, and promised to be a good Lord to her, and to all his other Cousins.

Sir William Rickhill, one of the Judges to the late King, but now a Prisoner, was brought before the Parliament, and required to answer by what Warrant he took and certified the Confession of the late Duke of Gloucester, in the 21st Year of Richard II. h and, by Order of the King, Sir Walter Clopton, Chief Justice of the King's Bench, was put to examine him. But Rickbill answering at full, and producing sufficient Authority for what he had done, and his sincere Dealing therein, the Lords unanimously declared, That they thought he had acted justly; and upon this the Chief Justice adjudged the said Sir William acquitted thereof for ever.

A very popular Affair was also done in this Parliament, which must have given this new King great Credit amongst his Subjects. The last Day of it, which was November 19, the King and the Lords ordained, That all the Remembrances, called Raggemans, or Blank Charters, formerly fealed for the City of London, and for divers Counties, Cities, and Boroughs in England, should be returned, and that Writs should be made out and fent to the said Counties, Cities, and Boroughs, rehearling, That the King takes all the Reliants and Inhabitants in the faid Places to be his good and faithful. Subjects; and that no Confession by them made and comprized in the faid Remembrances, is, or shall be, any Derogation to the State of any Person or Persons; that the faid Remembrances should be torn and destroyed in the most open and public Place within the said Counties, Cities, and Boroughs; and that if any Record of them be made in any Court or Place, the King wills that it should be cancelled, and throughout revoked and repealed, and held of no Effect whatfoever. Some

h Vol. I. p. 475, 501.

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Some Petitions of the Commons, with the King's Answers King Heavy IV.
to them, given in this Parliament.

Petition. 6 That the Liberties of the Church, the Petitions of the Great Charter, and Charter of the Forests be confirm-Commons.

Answer. The King willeth the same 1.

Pet. 'That the Lords Spiritual, Temporal, and the Judges, do not from henceforth plead, in Excuse, that they durst not, for Fear of Death, to speak the Truth.

Answ. The King reputeth them all to be just, and that they will not give him Counsel to the contrary; but

if they do, let Complaint be made.

Pet. 'That all the King's Chief Officers be fworn to fhun all Bribery, and fuch as are attainted thereof to lose all they have.

Answ. Every such Officer, upon Attaint, shall be punished for his Misdoing; otherwise the Statutes already made may suffice.

made may suffice.

Pet. That no Part of the Crown-Lands may be fold, given, or exchanged; and that there be a Re-

fumption of fuch as are.

Answ. The King will be advised of this.

Pet. 'That every Man may pursue his Remedy for all Havock and Spoils committed fince the coming of the King.

Answ. For Spoils done where the King's Army hath

been, he will be advised; for the rest he granteth.

Per. 'That all Men dispossessed of any Tenements, without Process of Law, may be restored, if done since the King's coming in.

Answ. They are remitted to the Common Law.

D₃ Pet.

i The Preamble to this Statute, and the rest in this Year, begins in

'Henry, by the Grace of God, King of England, and of France, and Lord of Ireland; to the Laud and Honour of God and Reverence of Holy Church, for to nourish Unity, Peace, and Concord amongst all Parties within the Realm of England; and for Redress and Recovery of the same Realm, which now of late hath been dangerously put to great Ruin and Desolation, by the Assent of the Prelates, Dukes, Earls, Barons, and at the Instance and special Request of the Commons of the same Realm assembled at his Parliament, held at Wessimsser on the Feast of St. Faith

the Virgin, the first Year of his Reign, Hath inade, ordained, and established ed certain Ordinances and Statutes in Form, as followeth. Statutes as

large, Anno 1 Henry IV.

Pet. 'That, in Confideration of the great Plague in King Henry IV. the North, it would please the King to lie with his

4 Army in the Midst of the Kingdom.

Answ. The King will be advised.

Pet. . That the King will appoint able Captains, as well in England as in Wales.

Answ. The King meaneth no less. [55]

The Commons grant to the King, that he shall be as free, and enjoy as great Liberties, as any of his Progenitors had before him; whereupon the King, in Pare liament, promised that he would not turn the same contrary to the Laws.

Pet. The Commons pray the Reversal of the Judgment given against Richard Earl of Arundele in the 21st Year of King Richard, and that Restitution be made

to Thomas his Son and Heir k.

Answ. The King hath shewn Favour to Thomas now

Earl, and to others.

Pet. 'That fuch Records, touching the Inheritance of the faid Earl of Arundele and Surrey, late embezzled, may be fought for and restored.

Answ. The King willeth.

Pet. 'They make the like Request for Restitution to be made to Thomas Earl of Warwick 1.

Answ. The King hath shewn Favour to him also.

Pet. 'They require a Repeal of the Act made Anna 21 Richard II. with a general Restitution of Lands and Goods to all fuch as loft thereby.

Answ. The King has been gracious in this also, and for the rest he will be advised m.

Thefe

k See Vol. I. p. 470, 496.

1 Hid. p. 477, 502. m A Repeal of the whole Parliament holden 21 Richard II. and of the Authority given thereby was passed, and the Parliament held II Rich. II. confirmed. Also a Restitution to those, or their Heirs, who were attainted 21 Richard II. Statutes at large, An. 1. Henry IV. See before, in the First Volume, p. 412, 437, and 492, 517. The Parliament 21 Kichard II. was called, says Hall, the Evil Parlia-

ment for the Nobility, the worse for the Menalty, but the worst of all for

the Commonalty Hall's Chron. Fol. XI.

A general Pardon was also passed for Treason, Felony, &c. except to the Murderers of the Duke of Gloucester. Stat. at large, An. 1 Henry IV.

Hall writes, that an Act was passed this Parliament for entailing the Crown of England on this King Henry, his four Sons in Succession, and their Posterity; and hath given us the Substance of it. But nothing of this Nature appears on the Records, or in the Statute-Books, till An. 7. Henry IV. which fee.

These were all or most of the Petitions and Answers, King Henry IV. on public Affairs, which passed in this Parliament:
But there are yet some Matters in the Pleas of the Crown, entered on the Rolls at the End of this present
Parliament, which deserve our Attention.

The Commons prayed the King, that the Lords, who were Appellants in the Parliament held the twenty-first of the late King Richard, may be called on to answer for their Acts done at that Time. The Records of which were brought and read in Parliament, in the Prefence of Edward Duke of Albemarle, Thomas Duke of Surrey, John Duke of Exeter, John Marquis of Dorset, John Earl of Salisbury, and Thomas Earl of Gloucester. These were all the Accusers of the Archbishop and the rest of the Lords, in the Parliament of the 21st of Richard II. that were spared from Execution; except King Henry himself, then Earl of Derby, who was the principal Person concerned in that Affair.

The Duke of Albemarle was called on first, who Proceedings pleaded in Excuse, 'That he was no Contriver of the against the Duke faid Appeal; and what he then did was by the King's and other Lords Command, whom he durst not disobey: That, in rela-Appellants, in tion to King Henry's Exile, and Revocation of his the 21st of Rick-Patent, it was entirely against his Will, and he called certain Lords to witness the same: He also endeavoured to excuse himself from advising, or being any ways

privy to, the Death of the Duke of Gloucester.

The Duke of Surrey prayed the King to confider the tender Age and small Reputation he was in at the Time the Appeal was made. Afterwards, he answered in all Points, as the former Duke had done; all which he offered to prove when the King should appoint.

The Duke of Exeter pleaded also as above; only, in relation to the Duke of Gloucester, he added, that he heard King Richard say, that he should be slain.

The Marquis of Dorfet affirmed as before; only he

made no Mention of the Duke of Gloucester.

The Earl of Salisbury said, That he was drawn into the Appeal, for Fear of his Life; and for that he was accused by the Duke of Norfolk, that he should have meant to have slain the Duke of Lancaster, the King's Father; albeit he was ready, by the King's Order, to have disproved the Charge; but, for that he had not yet

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King Penry IV. offered to acquit himself thereof, he asked Pardon for the fame n.

> The Earl of Gloucester affirmed the same with the Duke of Albemarle.

After these Noblemen had answered the several Que-[57] stions, they were all ordered to withdraw, whilst the King and Parliament confulted what Sentence to award

They are fenprived of their Honours ;

for them. And the King and Lords did adjudge, 'That tenced by Parlia- the faid Dukes, Marquis, and Earls, should lose their ment to be de- Names and Titles, and all the Honours thereto belonging; and that they should forfeit all the Lands and Goods which they, or any of them, had given them at the Death of the faid Duke of Gloucester, or at any Time fince; and that if they, or any of them, 's should espouse the Quarrel, or affist the Person, of King Richard, lately deposed, that then the same 's should be Treason.' Which Sentence or Judgment, by the King's Command, was pronounced by Sir William Thyrning, Lord Chief Justice of the King's Bench.

But are restored by the King.

But, after all, we find that, as to their Lands, it was left to the King either to continue them in Possession. or turn them out if he pleased: Yet Henry, willing to begin his Reign with some Acts of Clemency, not only left them their Estates, but some Time afterwards restored them to their Honours. Moreover, he made the Duke of Exeter, who had married his Half Sifter, Governor of Calais. But Walfingham writes, that this mild Sentence on the Lords was greatly refented by the common People, both against the King and his Council, because they judged those Noblemen, by their late Proceedings, guilty of Death.

On the 19th Day of November, the Commons required, that the Arrest and Judgment against William le Scrope, Earl of Wiltshire, Sir Henry Green, and John Buffy, Knights, who had been executed without any Process at Briftol, might be confirmed in full Parliament P. On which Sir Richard le Scrope stood up weeping, and humbly petitioned the King that nothing might be done to difinherit him or his Children, confidering the faid William was his Son. The Commons

aſked

n Vol. I. p 491, 516.

[.] Walfingham, p. 362. Fabian's Chron. Fol. CLXV.

P See Vol. 1. p. 500, 525.

asked Sir Richard, if the Judgment against his Son was King Henry IV. lawful? Who answered, that it was lawful. Upon which the King said that he would have all the Lands. of the Persons aforesaid forseited to him by Way of Conquest, as of those who had been the chief Actors in the Parliament of the 21st of Richard II. But, nevertheless, he declared it was not his Intention to keep those Lands, &c. notwithstanding his Right to them as aforefaid; and told the faid Sir Richard that he would not have the Lands that belonged to him, or any of his Children, that were alive, because he always took him for a true and loyal Knight. Whereupon the Commons thanked the King for his just Judgment, and bleffed God for fending them fuch a King and Governor P.

The last Thing which we shall mention in the Proceedings of this Parliament, is some farther Inquiry made there in relation to the Duke of Gloucester; which, though not all mentioned in the Records, our older Chroniclers q, particularly Hollingshead, are very exact in describing. Sir John Baggott, then a Prisoner in the Tower, was brought to the Bar of the House, and there examined on the Affair of that Murder; who there declared, in a Bill then delivered in, 'That it was by Inquiry into the the Advice and Instigation of the Duke of Albemarle Murder of the that the Lords were apprehended by the King, and Duke of Gloucher was inhumanly must be defer. that the Duke of Gloucester was inhumanly murdered at Calais. That the Duke of Norfolk did keep the Duke of Gloucester alive three Weeks against the King's Will; but, for Fear of the King's Displeafure, the faid Duke and himfelf, with feveral of the 6 King's Servants, went over to Calais, and faw him "put to Death.' After this Declaration was openly read, the Duke of Albemarle rose up and said, 'That he utterly denied the Charge to be true against him, and offered to justify his Innocency by Combat, in 'fuch Manner as should be thought requisite.' Baggott not being at Liberty to accept the Challenge, the Lord Fitz-Walter, and twenty other Lords, offered to make it good by their Bodies, that he was the Cause

P Tiel Roy et Governour, Record. 9 Holling flead's Chron. p. 511, 512, &c. Sir John Hayward, 112. Daniel in Kennet, 274.

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King Henry IV. of the Duke of Gloucester's Death. The Duke of Surrey stood up against the Lord Fitz-Walter, and having
affirmed that what the Duke of Albemarle had done
against the Duke of Gloucester was by Constraint, he
offered to vindicate him by Fight; and all their Hoods,
which they slung down as Pledges of their Intentions,
were delivered to the Constable and Marshal to be kept.
But these Differences the King thought proper to accommodate, in a Way more politic and more consistent with the Exigence of the Times, than suffering
them to go on to a Martial Trial.

E 59]

Baggott, in one of his Examinations before the House, mentioned one John Hall, then a Prisoner in Newgate, who could say much more than he, relating to the Death of the Duke of Gloucester. Which Hall, being sent for and examined, confessed the whole Matter; whose Examination, Confession, and Sentence passed against him, being on the Rolls, we shall give as extracted

from the Records themselves.

6 John Hall, a Servant of the Duke of Norfolk, being examined by Sir Walter Clopton, Chief Justice, in full Parliament, confessed, upon his Oath, That, in the Month of September, Anno 21 Richard II. the Duke of Norfolk charged the said John, among others, to murder the Duke of Gloucester, there being present one John Colfox, an Esquire of the said Duke of Norfolk; and that they two then being at Calais, went together to our Lady's Church, where they found William Hempsterley, Esq; as aforesaid; —— Bradeston, Esq; as aforesaid; William Serle, of the Chamber of the late King Richard; Franceis Valette, of the Chamber of the Duke of Albemarle; William Rogers, William Dennice, and - Cock, Servants to the faid Duke of Norfolk; all whom were fworn upon the Body of Christ, before one Sir William Chaplin, of St. George's, in the Church of our Lady in Calais, that they should not disclose the said Fact or Murder.

'That, after this Oath made, they all together went with the Duke of Norfolk towards the House called the Princes Inn; and when they were come, the said Duke of Norfolk caused the Persons aforesaid to enter into a Lodging within the same House, and so departed.

After which John Lovetofte, with fundry other Esquires,

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Esquires, brought the Duke of Gloucester, and delivered King Heavy IV. him to the said Serle and Franceis in an inner Parlour, and said, There is Serle and Franceis: Whereupon the Duke of Gloucester said, Now I see I shall do well; and so asked Serle how the King did? who said, Well; and sent to him Commendations, and then the said John Lovetofte departed.

'Whereupon the said Serle and Franceis took the said Duke of Gloucester into an upper Chamber, saying, That they would speak with him; unto whom, when they were come there, they said, That the King's Will was, that he should be slain; the Duke answered thereto, If it be so, it is welcome. That Serle and Franceis willed the Duke to take a Chaplain, whom the Duke there took,

and was confessed.

After which Confession they caused the Duke to lie upon a Bed, upon whom so lying, the said Serle and Franceis threw a Feather-Bed, the Sides whereof the said William Rogers, Dennice, and Cock, of the Chamber, held; and Serle and Franceis lay on the Mouth of the said Duke untill he was dead; Colfox, Hempsterley, and Bradeston, sat that Night by the Duke on their Knees, weeping, and praying for the Soul of the said Duke; and Hall, this Examinant, kept the Door untill the Duke was slain.

'After the Death of which Duke, the Duke of Norfolk came in, and feeing him dead, faid, It were a great

Matter to have the said Duke living again.

'By which Confession, it seemed to the Lords that he the said John Hall had deserved a grievous Death; whereupon they adjudged, by the Assent of the King, that the same Hall should be drawn from Tower-Hill to Tyburn, his Bowels to be burnt before him, his Body to be hanged, headed, and quartered, and his Head to be sent and set upon Calais, and his Quarters at the King's Pleasure; and the Marshal the same Day did Execution accordingly.'

Though the Reader may find that this Revolution was sufficiently sanctified by the Archbishop of Canterbury, and all the other Bishops, except one, concurring with it, yet a more formal Testimony was expected from them. And whilst the two Houses of Parliament were acting, in the Manner abovesaid, at Westminster, the

Bilhops

King Henry IV. Bishops and Clergy met in the Convocation at St. Paul's. The King rightly judging that, in order to support himself on the Throne, it was necessary to make that Body his Friends, he fent the Earls of Northumberland and Westmoreland to assure them of his Protection. Ambassadors, being admitted into the Assembly, said, That they were come from the King, not to demand Money, as was usual in the former Reign; but to ac-

1 61 T

The King pro-Clergy in extirpating Herefy.

quaint the Clergy of the King's Resolution to maintain 4 them in all their Privileges and Immunities. that they had Orders to assure the Convocation, that miles to affift the 6 the King was ready to concur with them in whatever Means should be thought proper to extirpate Heresy, and punish obstinate Heretics.' They concluded with defiring the Clergy's Prayers for the Welfare of the

King and Kingdom.

The French Writer, before-quoted, remarks here, That nothing could be more apt to gain the Hearts of the Ecclefiastics, than the King's Promise to extirpate Herefy. The Number of the Lollards, which daily increased, gave the Clergy much Reason to fear that, in the End, a Reformation might be fet on Foot, very detrimental to their Temporal Interests. Accordingly the Affurances the King gave the Convocation were received with great Demonstrations of Joy and Thankfulness; and the Reader will find, in the Course of this Reign, that he strictly kept his Word with them.

The King of France declares against Henry.

The next Year, Anno 1400, began with Troubles of various Kinds, but all levelled against Henry and his new-acquired Government. The King of France, whose Daughter Richard had married, was exceedingly exafperated at the late Revolution; and made great Preparations to revenge the Wrong done to his Son in-Law. Henry had sent an Embassy into France, to excuse this Matter as well as he could, but the Envoys could proceed no farther than Calais; because the French King had not only denied them his Safe-Conduct, but had A council, of Peersonly, call'd imprisoned an Herald they had sent to demand it. to prevent char- this pressing Exigency, nothing but War being expected, ging the Com- and the Sinews of it very much wanted, Henry called mons with any a Great Council of Peers to meet at Westminster on the 9th Day of February, to consult of proper Measures to divert

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1400.

At York.

divert this Blow. In the Collection of Public Acts is aking Henry IV. long Memorial of what was concluded on in this Council; which, as it is there expressed, was called of Lords Spiritual and Temporal only, in this pressing Necessity, to avoid fummoning any Parliament, and laying any Tax or Imposition on the Commons. They therefore confented to raise Forces at their own Expence; and in the List of the Names of the Peers then present, is an Account of what Number of armed Men each Temporal Lord engaged himself to bring; but the Spiritual, tho' there also named, were out of this Question.

Nor were the Scots less frightful to Henry on the other Side; but, taking Advantage of the Diffentions in England, they broke the Truce, and made several Inroads, with great Devastions and Plunderings. To stem this Tide, Henry carried his new-raised Forces towards Scotland; and, in his Way thither, he thought to have met a Par- Anno Regni 2. liament he had summoned to appear at York; for we find that Writs of Summons were fent out, directed to Henry Prince of Wales, &c. and dated at Westminster the 19th Day of September, for a Parliament to meet at York, on the Feast of All-Saints next coming. Abridgement of the Records has given us no more than the Names of the Peers that were summoned to this Parliament; it is probable that the Business of it was interrupted by the Insurrections then made in the Nation in Favour of King Richard. It is not for our Purpose to be so particular as to describe all these first Attacks against this new-settled Government; we must refer our Readers to the larger English Historians for that Purpose. Sufficient it is to say, that these Civil Tumults were foon quashed, and the Authors of them suffered Death, or perpetual Imprisonment. Interval it was thought necessary that the unhappy Occasion, though innocent of them himself, should be Richard II. put also removed; and Richard II. underwent the same Fate to Death. with his Great Grandfather Edward II. to make sure Work, and prove this common Maxim true, that There is but a small Space betwixt the Prisons and Graves

of Kings .

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Pour eschuire aucune Parlement estre sommoner, &c. Tom. VIII. p 125, 126.

Authors differ as to the Manner of his Death. Some say he was murdeted with a Poll-Ax: Others, that he was flarred to Death.

1401. At Westminster. [63]

King Henry IV.

After these Commotions were, in some Measure. Anno Regni 2. quieted, another Parliament was summoned to meet on the 20th of January, in the second Year of this King, when the Knights and Burgesses were called into the . Chancery Court, in Westminster-Hall, before the Chancellor and the Steward of the King's Houshold, by Name; upon whose Appearance, the Chancellor put off the Parliament to the next Day, by the King's Au-

thority. On the faid Day Sir William Thyrning, Chief Justice of the King's Bench, by the King's Command, declared, That this Parliament was called to the End that Holy Church, and other Corporations and Persons should enjoy their Liberties; that all good Laws should be executed, and Justice truly ministred; and that nothing fhould be done in Derogation of the Common Law. He then rehearsed, 'What great Charges the King 6 had been at for his Coronation; for suppressing the * late Rebellion attempted by the Nobles; for his Exe pedition against the Scots; and, lastly, for refishing the Rebels in North Wales; all which Adventures he had undertaken in his own proper Person.' further told them, 'That the King was bound to return the Queen into France, with all fuch Jewels and Riches as King Richard, lately deceased, had with her in Marriage. He put them in Mind of the Charges for keeping of Calais, and the King's other Fortresses abroad; especially for the Duchy of Guienne, being annexed to the Crown, for the which War was likely to ensue; because the King of France had created his eldest Son Duke of Guienne; and lastly, for the Wars in Scotland and Ireland. For the Support of all which great Charges he urged the Lords and Commons to 4 confult and to confider the Importance of them. And whereas, heretofore, several of the Lords and Commons summoned to Parliament were more intent in minding their own private Business and Concerns than 4 that of the Realm, the King wills and commands, he faid, That no Lord, Knight of a County, Citizen or Burgess, come to this Parliament by Summons, should absent himself from it, or leave the Town on any Pre-• tence whatfoever; but that they should attend it every Day in the Places affigned for them. He concluded with. with defiring the Commons to chuse a Speaker, and King Henry. IV.

to present him the next Day to the King.

Then the Receivers and Triers of Petitions were appointed for England, and the other Kingdoms and Countries abroad, as usual; and on the Day after, being January 22, the Commons presented to the King Sir Arnold Savage for their Speaker, who made the accus-Sir Arnold Savage for their Speaker, who made the Commons; Speaker.

which was accepted and enrolled.

On the 25th, the Commons by their Speaker, in full Parliament, 'gave the King most hearty Thanks for his Promise of maintaining the Catholic Faith. They defired that the King would not give an Ear to any flanderous and untrue Reports concerning their Proceedings, but let the Event shew the same.' Which being promifed, the Speaker went on and declared to the King, 'That to every good Government four Things appertained, viz. Wisdom, Prowess, Manhood, and Riches; all which he affirmed was in the King and his Nobility, as the World very well knew, and they would approve; for the Hearts and Goodwill of Subjects, which his Majesty had, were the Riches of a King. Therefore, for certain Reasons, the Commons would perfuade the King not to agree to the Challenges which the French had made to him and the Lords.' This the King promised not to attempt without their Advice, and gave them Thanks for their tender Good-will to him.

On the last Day of January, the Commons, by Word of Mouth prayed, that certain Petitions might be answered by the King; which he, again, desired might be put in Writing, and presented with their other Petitions, and that then he promised to answer them.

On the 21st of February, the Commons prayed the King to execute the Ordinance of King Richard II. upon the Conquest of Wales, viz. that no Welshman born should bear any Office in that Country, &c. The King promised to send for the Ordinance, and cause Execution of it.

The Duke of Orleans, Brother to the French King, a Prince of great Courage and Reputation in Arms, had fent a Challenge to Henry to meet him at Bourdeaux, with a hundred front Warriors on a Side, there to fight, and each Victor to have his Prisoner. This Accident is placed two at three Years later by all our Historians.

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King Henry IV.

[6₅]

They then required the King, that, according to the Laws and Customs of the Realm, he would seize into this Hands the Houses and Lands of all Alien Priories and Donatives during the Wars. To this the King required Advice, and promifed to do therein as the Bishops and Peers should instruct him.

The same Day, on a like Motion, the King revoked all Annuities granted out of the Custom of Woolls; and at the same Time they required the King to commit the Charge of Wooll-weighing, and the Inventory of King Richard's Goods, which the Treasurers had delivered to them, to some Persons as might make due Inquiry thereof, and discharge the Commons of it. They also desired. 'That all Matters transacted in this

· Parliament might be engrossed before the Departure

At the same Time the Commons declared, 'That it was not the usual Custom for them to grant any Sub-

of the Justices. It was answered, That the Clerk of Parliament had Orders so to do.

fidy before they had received Answers to their Petitions; and prayed the Observation of that Customa, from thenceforth.' Upon this the King required a Conference with the Lords; and, on the last Day of the Session, gave the Commons this Answer, 'That there was never any fuch Use known, but that they I should first go through with all other Business, before their Petitions were answered; which Ordinance the King intended not to alter.' After which a Subfidy was granted of one Tenth and one Fifteenth; Two Shillings on every Ton of Wine, and Eight-Pence in the Pound on Merchandize, for two Years to come.

A Sublidy.

Proceedings against several Lords for Treafon, Ge,

The Lords Temporal, with the King's Affent, adjudged Thomas Holland, late Earl of Kent; John Holland, late Earl of Huntingdon; John Montagu, late Earl of Salisbury; Thomas Lord le Despenser and Ralph Lumley, Knights, and several others, who were, for their Treafons and Rebellions, taken by certain of the King's Subjects, and beheaded as Traitors, that they should forfeit all fuch Lands as they had in Fee, January the 5th, in the First of this King, or at any Time after, together with all their Goods and Chattels. To which Judgment all the Lords present put their Names ".

u To the Number of 25 Lords then present, of whom the Prince of Wales was Chief. Record.

[66]

But the Commons shewed themselves more chari- King Henry IV. table than the Lords; for, coming before the King, March the 9th, their Speaker, in an Oration he made to the Throne, took Occasion to liken the three Estates of the Realm to the Trinity, as consisting of King, Lords Spiritual and Temporal, and the Commons; wherein, adds he, ought to be Unity; and 'therefore prayed the King to reconcile the Earl of * Rutland and the Lord Fitz-Walter z.' These Lords kneeling at the same Time, and submitting themfelves to the King's Will, were both pardoned. The Commons first, and the Lords after, pray that the Earl of Somerset might have the same Mercy extended to him as the Earl of Rutland, and be both restored to their Goods, Names, and Liberties, notwithstanding the Judgment given against them, primo Regis; which the King, with Thanks for their Motion, also granted. These Earls had forfeited the Titles of Duke of Albemarle and Marquis of Dorset, by that Judgment. The former of them, being Son to the Duke of York, had merited some Favour by being the first, tho' inadvertent, Discoverer of a dangerous Conspiracy against Henry y. Some more Acts of Clemency, to private Persons, were done in this Parliament, which the King, like a politic Prince, thought proper to gild his Cause with, and to establish his Throne in Mercy.

An Affair of the like Nature with the preceding, deserves also our Notice: It seems that Henry le Spenser, the famous Bishop of Norwich, so much spoke of in the Beginning of the last Reign 2, had been accused by Sir Thomas Erpingham, then Vice-Chamberlain to the King, of being a Stirrer in the last Insurrections, or, at least, a Favourer of that Cause. The Bishop was sent for to come before the King in Parliament, and on his Appearance, February 9, the King ordered him to be placed in his accustomed Seat; then his Majesty declared, 'That he took the Accusations of the said Sir Thomas against the said Bishop to be just, and to proceed from the great Zeal the Accuser had for him; never-Vol. II.

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^{*} See before, p. 57, 58. He had loft his former Title.

y He was concerned in a Plot, with the Earls of Kent, Huntingdon Salisbury, &c. [See p. 64, 65.] for restoring King Richard; but it being blown, he faved himself, by making the first Discovery.

z See Vol. 1. p. 376, 401.

King Henry IV.6 theless, considering the Order of the said Bishop, and that he was of the King's Lineage, and to oblige him 6 to better Behaviour for the future, he pardoned the faid Bishop all his Misprissons done against his Person." The whole Bench of Bishops stood up at this, and gave his Majesty their Thanks in open Parliament; and defired him to cause the said Bishop of Norwich and Sir Thomas Erpingham to shake Hands and kiss each other, in Token of Amity.

The Commons required the King to affift in pacifying the Schism then in the Church of Rome, which had [67] continued a long Time, if it could be done without any Charge to this Realm. The Lords also defired the same; the King answered, 'That the Bishops 6 should consider of it.' And, at home, in order to suppress the Reformers, or the Followers of Wickliffe's Doctrine, which was still adhered to by many, a Writ is mentioned in the Records of this Parliament to be fent to the Sheriffs of London for the burning of William

Death.

Sawtre, a Clerk, convicted of Herefy by his Clergy, An Act for put- and by them adjudged to be burnt a. There was also ting Heretics to a Statute made at this Session of Parliament, touching the imprisoning, or punishing with Death, such as held any erroneous Opinion in Religion; but Prynne remarks, that the printed Statute differs greatly from the Record, not only in Form, but much more in Matter, in order to maintain Ecclefiastical Tyranny b. Further, he adds, . That this was the first Statute and butcherly

2 Parish Priest of St. Ogsith in London. Stown says, He was the first Man that fuffered Death for Religion in England. The Writ from the King directed to the Mayor and Sheriffs of London, ad comburendum Willielmum Sautre, Capellanum, is in Rymer's Feed. Ang. Tom. VIII. p. 178, and on the Rolls, 2 Henry IV. No. 29.

b This Act having been repealed, by Parliament, 25 Henry VIII. and feveral Times fince, is not printed at large in our Statute-Books. An Abstract of it is given, Anno. 2 Hen. 1V. cap. xv. in this Manner: ' The

Catholic Faith and the Holy Church, amongst all the Kingdoms of the World, hath been very devoutly observed in England, and endowed, which hath not been troubled with Herefy; and therefore none shall preach without Licence from the Diocesan of the same Place. None fhall preach or write any Book contrary to the Catholic Faith, or the Determination of Holy Church. None shall make any Conventicles of such Sects and wicked Doctrines, nor shall favour such Preachers. Every Ordinary may convene before him, and imprison, any Person suspected of "Herefy. An obstinate Heretic shall be burnt besore the People, &c. See Collier's Ecclesiastical History, p. 614, &c. Tindal, in his Notes on Rapin, says, That this bloody Statute was not repealed till the Year 1677.

Folio Edition, 491, No. 4.

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* Knife, that the impeaching Prelates procured, or had, King Heary IV. against the poor Preachers of Christ's Gospel.' Master Fox has a Fling at it also, and says, that King Henry IV. who deposed King Richard II. was the first of all English Kings that began the unmercisul Burning of Christ's Saints.

However, some other Laws were made in this Par-Another against liament, of great Use and Advantage to the State, viz. Provisions from That no Provisions should be brought from Rome, Rome. by any Religious Person, to exempt them from Obedience to the Secular Power; and that all fuch Perfons who shall bring any fuch Provisions into the Nation, shall incur a Præmunire. That no Person shall carry any Gold or Silver Coin out of the Nation, without a special Licence from the King; and if any one 's shall prefume to do the contrary, he shall forfeit all the faid Coin to the King. That the Chirographer of the Common-Pleas, the Clerk of the Crown and King's Bench, and the Marshal of the Marshalsea of the King's House, should take no greater Fees than what are prescribed and limited by the Statutes d. By these Acts, says an Historian, the due Subjection of the Clergy and People was preserved and secured to the King; the Traffick of the Nation promoted; and the Courts of Justice made easy, and not an intolerable Grievance, as fince they have been, to all fuch as feek

There is a long Chain of Petitions from the Commons, with the Answers to them on the Rolls, and in the Abridgement of them; but as they are most of them on Law Affairs, or private Properties, we shall omit them, and hasten to a Conclusion of this Parliament,

which may be thought too tedious already.

On Thursday the 10th of March, being the last Day of this Parliament, the Commons all kneeled before the King, and besought him to pardon them, if, through Ignorance, they might have offended him; which the King readily granted. Their Speaker, in his Address to the King on this Occasion, made a long Preachment, comparing the Beginning and Ending of this Parliament to

their Rights .

c Fox's AEIs and Monuments, p. 675.
d See Statutes at large, Anno 2 Henry IV.

Daniel in Kennet, p. 283.

King Henry IV. the Sacrifice of the Mass: He said, That at the first the Archbishop of Canterbury read the Epistle and expounded the Gospel to them; the King did the Sacrifice, by promising to defend and protect Holy Church, &c. and when they were come to the End, to say Ita missa est Deo Gratias, he added, they had great Reason to thank God for sending them so good and gracious a King, so sull of Pity and Humanity to all his Subjects, &c. &c. and so ended this Parliament.

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Inforrection in

Wales.

Henry's new-got Diadem was by no Means easy on his Head as yet; for a dangerous Insurrection was begun in Wales, under the Conduct of Owen Glendour. Welsh General made an Incursion into Herefordshire, where, being opposed by Edmund Mortimer, Earl of March, who, as is faid before, was retired to his Castle of Wigmore in that County, the latter was defeated and taken Prisoner. Henry was no ways displeased at this News; nor in any Haste to have the captive Earl releafed from Imprisonment, and he himself was, at length, more reconciled to it; for by Henry's Jealousy of every Thing relating to his Crown, and his Severity to those who either could or would dispute it with him, the captive Earl might think himself safer in Prison than in his own House. This dreaded Enemy being secured, Henry still knew there were not wanting in the Kingdom Perfons who laid hold of every Occasion to find Fault with his Conduct. There was still a dangerous Ferment amongst his Subjects; and if the Malecontents remained quiet, it was only in Expectation of a favourable Opportunity to rife. Reports were spread that King Richard was yet alive; but the Authors of them being found out, fuffered Death without Mercy. The King's great Severity, shewn on this Occasion, contributed very much to efface the good Opinion before conceived of his Clemency and Humanity.

Anno Regni 3. In the Midst of these Consusions and Anxieties, Henry found himself obliged to call a Parliament; for we find, At Westminster. in the Abridgement of Records, that Writs were sent out for one to meet at Westminster, the Day after Candlemas, in the third of this King, and in the Year

1402

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1402; but nothing more is given of it, than the Names King Henry IV. of the Peers summoned to it g.

And it was not till the next Year that another Par- Anno Regni 4. liament was summoned to meet at the same Place, on the Morrow after St. Michael, or September the 30th. At Westminster. Which being affembled, and the Knights, &c. called over as usual, in the Court of Chancery, the next Day the Lord-Chancellor, in the Presence of the King, declared the Cause of their Meeting to be, first, for preferving the Rights and Liberties of Holy Church, and of all Corporations and Persons.

Then he took for his Theme, Pax multa diligentibus Legem; from which he took Occasion 'To commend · Peace, and to shew the great Blessings of it. He said, That Peace was always with those that obeyed the Laws; and, contrarily, he urged the Gall and Mischief of Diffention and Disobedience; and that there was no other Way to check Peace-breakers than by War. He declared that, by Diffention and private. Discord, the Flower of all Chivalry, the Stock of Nobles within this Realm, was, in a Manner, lately confumed; and that the whole Nation was in Danger of being subverted, had not God, as a Deliverer, raised

up the King.

· He put them in Mind of the King's late great Victory against the Scots; he much lamented the great Schism in the Church, by having two Popes; and told them that the King intended to do his Part towards healing the same. He then desired them to provide Ways and Means for maintaining the War against Scotland; for utterly subjecting the Enemies of Wales; for wholly conquering Ireland, and putting a Stop to their Prince in that Country; for defending Guienne, 'Calais, and the Marches thereof; and defired the 'Commons to chuse a Speaker, and to present him on ' the Morrow for Approbation.'

The next Day the Commons presented Sir Henry de Sir HENRY DE Redford for their Speaker, who making the common REDFORD cho-Protestation, it was granted. This House took several sen Speaker.

Days to consider of the Lord-Chancellor's Charge to

8 Most Historians write, That this Parliament met at Coventry, but that by the Inconvenience of the Place, on Account of Provisions and Lodgings, it was adjourned to Westminster.

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King Henry IV. them; and we find that they were much at a Loss what to determine. For, on the 10th of October, the Chancellor acquainted the King, That the Commons defir'd to have certain of the Lords sent to them, with whom they might confer. The King granted their Request, with this Protestation, That the same was done out of Favour, and not of Duty; which Protest was inrolled by the Clerk. Then the King sent the Steward of his Houshold and his Secretary to the Commons, to ac-[71] quaint them with it; who returned for Answer to the King, That they accepted of his Protestation; and accordingly four Bishops, four Earls, and four Barons

The King's Success in Wales, Ireland, and Scotland.

were ordered to attend them. On the 16th of October, the Commons, in full Parliament, by the Mouth of their Speaker, ' Gave to the King their most humble Thanks for his many valiant Exploits, namely, for his last Expedition into Scotland, and for his three several Journies into Wales, since the former; wherein, they took Occasion to praise the Valour of the Prince; and forgot not to mention the 6 noble Service performed by the Lord Thomas, the King's second Son, in Ireland. As for the Victory in Scotland, they humbly hoped that, by good Policy, it might be made to turn to the Advantage and Ease of the Commons; and because, in that Battle, the Earl of Northumberland behaved gallantly, they prayed the 6 King to give him Thanks.

Scots and French liament.

On the 20th, the King being placed on his Royal Prisonersbrought Throne, the Earl of Northumberland and other Lords before the Par-brought before him Sir Mordach le Steward, Son and Heir to the Duke of Albany, Brother to the King of Scots; the Lord Montgomery, Sir William Graham, Sir Adam Forester, Scots; and Sir Jaques de Heleye, Sir Pierce Hazars, and John Dorney, Esq; Frenchmen, who, with others, were taken Prisoners in the Battle of Humbledon Hill's, near Woollar, in the County of Northumberland, on the Day of the Exaltation of Holy Cross, or September the 14th last past.

> g Or Halidown-Hill. This Battle was gained by the Earl of Northumberland and Henry, surmamed Hotspur, his Son, where 10,000 Scots were slain, and many taken Prisoners. But a Quarrel soon after arose between the King and the Earl about these Prisoners, which had like to have been of fatal Consequence to the King; but was really so, in the End, to the Earl and his whole Family.

These Prisoners, in coming into the King's Presence, King Henry IV kneeled three Times; first at the Door of the White-Hall within the King's Palace, then in the Midst of the Hall, and lastly before the Throne; and, whilst they were still kneeling, Sir Adam Forester, in the Name of them all, humbly prayed the King, That they might be entertained according to the Course of War; which the King, because they were taken valiantly fighting in the Field, readily granted. Then the said Sir Adam declared 'That, in order to stop the Effusion of Christian Blood, it was now in the King's Power to have either a final Peace or a League.' Upon which the King answered, That, by his own Flattery and Untruth, he was taught to be wifer than to trust them; since he had caused the King, by relying on his Word, to leave Scotland sooner than he intended to do. Sir Adam asked Pardon for this, and then they were committed to the Care of the Steward of the Houshold, to wait the King's Pleafure.

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On the 6th of November, the Commons prayed the King to consider the Loyalty of John Earl of Somerfet, and to restore him to the Name and Honour of Marquis. which he lately loft. The King required Advice upon this; but the Earl kneeling faid, That as the Title of Marquis was new and unusual in this Kingdom, therefore defired that he might be excused from taking it. On the 25th of the same Month the Commons,

with Assent of the Bishops and Lords, granted to the King the usual Subsidy on Woolls, Wooll-fells and A Subsidy grant-Skins, for three Years; also Three Shillings on everyed, Ton of Wine, and Twelve-pence in the Pound on Merchandize, besides a Tenth and a Fisteenth. large and extensive Grant put the King into such a good Humour, that he fent the Earl of Northumberland to invite the whole Body of the Parliament to dine with him the next Day; which, we suppose, they did accordingly. And, there being nothing worth our Notice, either in the farther Proceedings of this Parliament, or in the Petitions, we shall conclude with the Dissolution of it, which was on the 25th of November aforesaid h.

h In a Preamble to Letters Patent granted in this Parliament to one Job # Kelyngton, Clerk, as a Release from several Sums of Money, Jewels, & he was entrusted with by the late King, the present stiles him, Carifim Dominus et Consanguineus noster Ricardus nuter Rex Ang. de funellu

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King Henry IV. Piercy Earl of and others, rewolt.

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This Year a dangerous Rebellion was set on Foot. which had like to have proved fatal to, the King and Northumberland, his Government. The principal Agents in it were the Family of Piercy, with the Earl of Northumberland their Head, who had been the chief Instruments of raising Henry to the Throne. But, growing jealous of one another, they foon lost all Respect, and turned from fast Friends to be the most mortal Enemies. The Battle of Humbledon or Halidown-Hill, led on by the Earl and Henry Piercy, surnamed Hot/pur, his Son, (where it is faid that 10,000 Scots were flain, and many taken Prisoners, the Principal of which had been presented to the King in Parliament) was the chief Motive, For, a Dispute happening between Henry and the Malecontents, about the Disposal or Exchange of some Prisoners, they took that Opportunity to raise Forces, and bid Defiance to the Sovereign of their own making. Henry was as active in his Opposition, and brought down an Army which met with the discontented Lords at Shrewsbury, where a terrible Battle was fought between them. Hall, in his Chronicle, tells us, that the Night before the Battle, the Earl, his Brother, and Son, sent a Challenge to Henry, comprized in several Articles, which feverely treated and branded him with Usurpation and Perjury. These Articles are given at Length by the aforesaid old Historian, but are strangely abridged and

Their Remonstrances against Heary.

TE Henry Piercy, Earl of Northumberland, High Constable of England, and Warden of the West Marches of England towards Scotland; Henry · Piercy, our eldest Son, Warden of the East Marches of England towards Scotland; and Thomas Piercy, Earl of Warcester, being Proctors and Protectors of the Commonwealth, before our Lord Jesus Christ, our Supreme Judge, do alledge, fay, and intend to prove with our Hands personally, this instant Day, against thee Henry Duke of Lancaster, thy Complices and Favourers, unjustly presuming and named King of England, without Title of Right, but only of thy · Guile

mangled by the Moderns; therefore, though not strictly Parliamentary, they well deserve a Place in these

Inquiries, and are as follow h;

Hall's Chronicle, Fol. 21.

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Guile and by Force of thy Fautors, That when thou, King, Henry IV. after thine Exile, didst enter England, thou madest an Oath to us upon the Holy Gospels, bodily touched and kissed by thee at Doncaster, that thou wouldst newer claim the Crown, Kingdom, or State Royal, but only thine own proper Inheritance, and the Inheritance of thy Wife in England; and that Richard, our Soe vereign Lord the King and thine, should reign during the Term of his Life, governed by the good Counsel of the Lords Spiritual and Temporal. Thou didst imprison the same thy Sovereign Lord, and our King, within the Tower of London, untill he had, for Fear of Death, refigned his Kingdoms of England and France, and had renounced all his Right in the forefaid Kingdoms, and others his Dominions and Lands beyond the Sea. Under Colour of which Resignation and Renunciation, by the Council of thy Friends and Complices, and by the open Noising of the Rascal People, by thee and thy Adherents affembled at Wests minster, thou hast crowned thyself King of the Realms aforesaid; and hast seized and entered into all the Caftles and Lordships pertaining to the King's Crown, f contrary to thine Oath; wherefore thou art foresworn f and falle.

Also, we do alledge, say, and intend to prove, 'That whereas thou sworest upon the same Gospels, in the fame Place and Time to us, that thou wouldst not fuffer any Dismes to be levied of the Clergy, nor Fifteenths of the People, nor any other Tallages and Taxes to be levied in the Realm of England to the Behoof of the Realm during thy Life, but by the 'Consideration of the Three Estates of the Realm, exsept for great Need, in Cases of Importance, or for the Refistance of our Enemies only, and none other-'wise: Thou, contrary to thine Oath so made, hast caused to be levied right many Dismes and Fisteenths, 'and other Impolitions and Tallages, as well of the 'Clergy as of the Commonalty of the Realm of England, and of the Merchants, for Fear of thy Majesty Royal; wherefore thou art perjured and false.

'Also we do alledge, say, and intend to prove, That 'whereas thou sworest to us upon the same Gospels, in the foresaid Place and Time, that our Sovereign

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King Henry IV. 6 Lord and thine, King Richard, should reign during Term of his Life in his Royal Prerogative and Dignity; thou hast caused the same our Sovereign Lord and thine, traiterously, within the Castle of Pontefrete,

without the Consent or Judgment of the Lords of the Realm, by the Space of fifteen Days and so many Nights (which is horrible among Christian People to be heard) with Hunger, Thirst, and Cold, to perish and be murdered; wherefore thou art perjured and

false.

'Also, we do alledge, say, and intend to prove, That 4 thou at that Time, when our Sovereign Lord and thine, King Richard, was so by that horrible Murder dead s abovefaid, thou, by extorted Power, didst usurp and take the Kingdom of England, and the Name and the Honour of the Kingdom of France, unjustly and wrongfully, contrary to thine Oath, from Ed-mund Mortimer, Earl of March and of Ulster, the then next and direct Heir of England and of France immediately by due Course of Inheritance after the Decease of the foresaid Richard; wherefore thou art

perjured and false. Also, we do alledge, say, and intend to prove, as faforesaid, That whereas thou madest an Oath in the fame Place and Time, to support and maintain the Laws and good Customs of the Realm of England; and also afterward, at the Time of thy Coronation, thou madest an Oath, the said Laws and good Cufroms to keep and conferve inviolable: Thou and thy Fautors, fraudulently, and contrary to the Law 6 of England, have written almost through every Shire of England, to chuse such Knights for to hold a Par-* liament as shall be for thy Pleasure and Purpose; so that in thy Parliaments no Justice should be ministered, against thy Mind, in these our Complaints now 6 moved and shewed by us, whereby at any Time we 4 might have any perfect Redress, notwithstanding that we, according to our Conscience (as we trust ruled by God) have oftentimes thereof complained, as well can testify and bear Witness the Right Reverend Fathers in God, Thomas Arundele, Archbbishop of Canterbury, and Richard Scrope, Archbishop of York: Wherefore, now by Force and Strength of Hand, before our Lord Jesus Christ, we must seek our Remedy King Henry IV.

'and Help.

' God helping us.'

Also, we do alledge, say, and intend to prove, That whereas Edmund Mortimer, Earl of March and Ulster, was taken Prisoner by Owen Glendour, in a pitched and foughten Field, and cast into Prison, and laden with Iron Fetters, for thy Matter and Cause, whom falsely thou hast proclaimed willingly to yield himself Prisoner to the faid Owen Glendour, and neither wouldst deliver him 'thyself, nor yet suffer us his Kinsmen to ransom and deliver him: Yet notwithstanding, we have not only 'concluded and agreed with the same Owen for his Ransom, at our proper Charges and Expences, but 'also for a Peace between thee and the said Owen. Why hast thou then not only published and declared us as Traitors, but also craftily and deceitfully imagined, purposed, and conspired the utter Destruction and Confusion of our Persons? For the which Cause we defy thee, thy Fautors and Complices as common Traitors 'and Destroyers of the Realm, and the Invaders, Oppressors, and Confounders of the very true and right 'Heirs to the Crown of England; which Thing we intend with our Hands to prove this Day, Almighty

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This Charge was fent to King Henry from the Lords, A Battle enforces, by two Esquires, who, having read them, answered, very wherein they are coolly. That he was ready to prove their Quarrel to routed.

coolly, That he was ready to prove their Quarrel to routed. him false and seigned, by dint of Sword and bloody Battle, and not by standerous Words and Writings; and that he doubted not but Almighty God would aid and affist his righteous Cause, against such unfaithful Persons and false foresworn Traitors. Accordingly, the next Day a fierce and bloody Battle was sought, near Shrewsbury; where, though, at first, the Lords had the Advantage, yet, in the End, that surious young Hero, Hotspur, being slain, their whole Army was routed, killed on the Spot, or taken Prisoners. Amongst the last was Thomas Piercy, Earl of Worcester, who was presently beheaded in the Field.

This Battle was fought July 22, 1403. The Earl of Northumberland himself was then with an Army in the North; but the King marching against him, he

thought

King Henry IV. thought fit to come in upon the Terms offered to fave himself and Fortune.

Anno Regni 5. 1404.

The very next Winter, in the 5th Year of this King's Reign, another Parliament was summoned to meet at Westminster, the Day after St. Hilary, or January the 14th: When being all affembled, the Bishop of Lin-

At Westminster. [77]

coln, the King's Brother i, and then Lord Chancellor of England, in the Presence of the King, Lords, and Commons, declared the Cause of the Parliament, for the Preservation of Holy Church, &c.

He then took for his Text these Words, Multitudo Sapientum, and thereby learnedly argued, 'That by Council every Realm was governed; he resembled

every State to the Body of a Man, and applied the Right Hand to the Church, and the Left to the Tem-

operal Lords, and the rest of the Members to the Com-

monalty; of all which Members and Estates, the King, as the Head, was desirous to have their Advice on

divers Occasions, and had called the said Parliament

for that Purpose.

'The first Thing that he put them in Mind of, was the utter Suppression of the Welsh Rebellions; for ree pelling the Malice of the Duke of Orleans, and the Earl of St. Paule, who had bent themselves wholly against the King and Realm, as appeared by their late Descent upon the Isle of Wight, where they were re-

To consider also the imminent Danger that the Marshes of Calais, Guienne, and other Domi-

* nions, beyond Sea, were then in; to remember the Wars in Ireland and Scotland, and likewise to take

Order touching the late Rebellion under Henry Piercy,

and others his Adherents, at the late Battle at Shrewsbury; and then defired the Commons to chuse, and

the next Day to present, their Speaker.'

Sir ARNOLD SA-VAGE chosen Speaker.

Accordingly, the next Day the Commons came before the King, and presented Sir Arnold Savage for their Speaker: Whereupon the faid Sir Arnold made the usual Protestation for himself and the Commons, which was allowed.

The

i This Prelate was Henry Beaufort, Half-Brother to the King by Katherine Swinford, his Father's Mittrefs.

The first Things we find that the Commons in this King Henry IV. Parliament went upon, amongst many others, were thefe, 'They defired the King to have Regard to the Charges for repressing the Welsh Rebels, and safe [78] keeping of the Sea; to consider the great Expences of his own Houshold; and that both the King and Prince might give Liveries according to the Statute made for that Purpose. That the King would provide for the Repairs of his Castles and Houses, and, namely, for his Castle at Windsor, which were all greatly in Decay; and not grant away the Profits of those Castles and Houses, and stand to the Repairs of them himself; by doing which he must be obliged to charge his Commons greatly; which might endanger the whole ' Estate.'

On the 18th of February, the Earl of Northumber- The Earl of land came into Parliament, before the King and Lords, pardoned, and there presented a Perition to the King and Lords, pardoned. and there presented a Petition to the King, the Tenor whereof being entered on the Rolls, in English, the national Language of the Times, we shall subjoin in its own Diction and Orthography.

To my most dredfull and Soveraigne lige Lord.

I Youre humble Liege befeche to your Hynesse to have in Remembrance my comeyng to your worshipfull Presence into Yorke of my free Will, be youre goodly Letters, where I putte me in youre Grace, as I that noght have kepte youre Laws and Statutys as Ligeance asketh, and specially of gederyng of Power and gevyng of Liverees: As at that Tyme I put me in your Grace and zit do zo, seying, and bit like to your Hienesse that al gracelesse should I not do; wherfore I beseche you that youre high Grace be seen on me at this Tyme; and of other Things which ye have examined me of I have told you pleynly; and of al I put me holy in youre Grace.

. The King delivered this Petition to the Judges, to be by them confidered; but the Lords made Protestation against it, and that the ordering thereof belonged to The Lords pro-Accordingly they, as Peers of Parlia-test against referthemselves. ment, to whom only fuch Judgment belonged, in con-ring Cases of fidering well the Statute of the 25th of Edward III. Treason to the touching Treasons, and the Statute of Liveries made in Judges.

King Henry IV this King's Time, adjudged the Earl's Crime to be no

Treason nor Felony, but only a Trespass sineable to the King. For which Judgment the said Earl gave great Thanks to the King and Lords; and, at his own Request, he was sworn upon the Cross of Canterbury to be a true Liegeman to the King, to the Prince, and to the Heirs of his Body begotten, and to every of the King's Sons, and to their Issue succeeding to the Crown of England, according to Law. That done, the King pardoned the said Earl his Fine and Ransom's.

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The Archbishop of Canterbury prayed the King, that forasmuch as he and the Duke of York, with other Bishops and Lords, were suspected by many to be in the Confederacy with Henry Piercy, Son to the Earl of Northumberland, that the said Earl would speak the Truth; on which the Earl, by the King's Command, on his Oath, purged them all from that Matter. But the same Day, the levying of War by the said Sir Henry Piercy was adjudged Treason, by the King and Lords, in full Bestimus 1.

Several of the King's Officers removed upon Address of Parliament,

The Commons proceeded in their first Design of regulating the King's Houshold, with whom the Lords accorded; and they required that four Persons should be removed out of the King's House, viz. the King's Confessor, the Abbot of Dore, with Derham and Crosbie, Gentlemen of his Chamber. On the 9th of February the Confessor, Derham and Crosbie, came into Parliament, before the King and Lords, when his Majesty took Occasion to excuse those Officers himself, saying, That he knew no Cause why they should be removed. from his Houshold: but fince the Lords and Commons had thought proper to have it so, for the Good of himfelf and the Realm, he discharged them; as he would have done the Abbot, had he been present, or any other of his House that should incur the Hatred and Displeasure of his People.' The Commons prayed, also, 'That such might be appointed Officers of the King's Houshold, as were known to be of virtuous Life, and that the Lords and themselves might be • privy to the taking of them.'

^{*} The Articles on which the Earl of Northumberland surrendered himself to Henry, and which were to be confirmed by Parliament, are in the Public Asts under this Title, Cedula Conventionum cum Comite Northumbriz. Feed, Ang. Tom. VIII. p. 364. Gallice.

A War with France being suddenly expected, the King Henry IV. Commons defired, 'That the Commission for arraying and mustering of Men, and watching of Beacons, ' might be amended; and that from thenceforth there 's should be no other Alteration in the Form of it.' which the King, with the Affent of the Lords, after Consultation had with the Judges, consented. The Form and Precedent of the faid Commission stands next on the Roll k. This Commission the Reader will find much canvassed, both by King and Parliament, in our later Civil Dissentions.

At the Request of the Commons, on February 21, 2 Committee of Lords were particularly appointed to make some farther Regulations, who agreed on these Articles:

First, That all Foreigners, in the Interest of the

'Anti-Pope', be not suffered to be about the King's 'Person, but be banished the Realm. And that other lations in his Strangers, who were Catholics, and particularly Houshold,

those of Dutchland, be appointed to remain upon such of the Frontiers of the Kingdom where Garrisons are,

' Next, That all French Persons, Bretons, Lombards, 'Italians, and Navarians what soever, be removed out of the House from the King and Queen; except the 'Queen's two Daughters, m Maria, St. Parenfy, Ni-' cholas, Alderwyche, and John Purian, and their Wives. 'And that no Welshman be about the King's Person.'

These Articles were read in full Parliament, Feb. 21. and confirmed by the King, with the Lords' Affent; and full Charge was given to the chief Officers of the Houfhold, there named, to put them in Execution; who,

that Evening, performed the same.

But, for more Satisfaction to the Queen and her Daughters, the King, with the Consent of the Lords, ordained and affigned to the Queen, instead of the Foreigners, two Knights, a Damsel, two Chambermaids, one Mistress, two Esquires, one Nurse, and one Chambermaid for the Queen's Daughters, and a Messenger to wait on them at certain Times.

The

k Rot. 5 Henry IV. No. 25.

Benediet. XIII. The English adhered to Boniface IX.

m This Queen was Joan of Navarre, Widow of the Duke of Bretagne : But Henry had no lifue by her.

King Henry IV.

F-81 7

The King's Letters Patent were confirmed by Act of Parliament, by which a Commission was granted, that certain Revenues and Customs, there expressed, and amounting to the Sum of 10,100 l. should be yearly paid to the Treasurer of his House, for the Expences of the Family. In which Grant it appears, that the Profits of the Hanaper, in Chancery, was then worth only 2000 l. per Annum. After fettling the King's Houshold, in the Manner

above, the Commons went upon restoring Peace and Unanimity amongst the Peers and Great Men of the They returned his Majesty hearty Thanks for extending his Favour to the Earl of Northumberland 3and, at their Request, the King commanded the said Earl and the Earl of Westmoreland, in Token of per-. fect Amity, to kiss each other, in open Parliament, thrice, and to shake Hands as often; also, to promise that their Friends and Tenants should do the like. The Earls of Northumberland and Dunbar were likewise

commanded to perform the same Ceremony ..

The fame Time, at the Request of the Commons, the King, in open Parliament, affirmed, that the Archbishop of Canterbury, the Duke of York, the Earl of Northumberland, and the other Lords, who were suspected to be in the Confederacy with Sir Henry Piercy, were all his true Liegemen; and that neither they, nor any of them, should ever be impeached thereof by the King, or

his Heirs, at any Time hereafter.

Some Matters of a less public Concern came also before this Parliament. The Commons reported that King Edward III. in a Parliament held in the 11th of his Reign, created his eldest Son Duke of Cornwall, and annexed the faid Duchy to the Crown, with divers Hereditaments, by Letters Patent; and by Authority of the same never to be dismembered or sold away b.

to the Crown.

Duchy of Corn- They therefore pray the King to resume, seize, and wall re-annexed unite again to the faid Duchy such Lands as were sold away by Prince Edward, King Richard, or by himself. Which Petition was answered in Effect following: 'It is agreed by the King and Lords, that the Prince, by the •

• See Vol. 1. p. 224, 242.

² These northern Lords were Neighbours in the Country, and might have disturbed it much by a Disagreement amongst them.

the Advice of his Counsel, shall have his Scire facias, King Heavy IV,

or other his best Means of Recovery; wherein shall be

allowed no Protection, or praying in Aid of the King, unless it be for Sir John Cornwall, and Elizabeth his

Wife, late Wife to John Holland, late Earl of Hun-

* tingdon; and for such Persons to whom the King is

bound by Warranty; and in order to render the Va-· lue, in such Cases, the Prince shall sue to the King. There are several other Articles relating to the Resti-

tution of this Duchy, which we shall omit.

At the Petition of Joan, Queen of England, the King granted that the faid Queen should enjoy, during Several Annui-her Life, in Lands and Tenements, to the full Sum of ties granted. 10,000 Marks by the Year, for and in Confideration of her Dower, according as other Queens of England had done.

Upon the Petition of Edward Duke of York, touching 1000 l. a Year, granted by Richard II. to him and his Heirs Male, the King granted to Edward, the faid Duke, 400 l. out of the Customs of King ston upon Hull, and 289 l. 6 s. 8 d. out of the Customs of London. as Parcel of the said 1000 l. to him and his Heirs law-

fully begotten.

John Earl of Somerset, Captain of Calais, and of the Marshes thereof, declared, That whereas, by Indenture between the King and him, he stood bound to keep the Town and Castle aforesaid, taking therefore, for himself and his Soldiers, in Time of Peace or Truce, 6301 l. 11 s. 8 d. and in Time of War, 10,509 l. 6s. 8 d. whereof he was unpaid 12,423 l. 12s. 4d. he therefore, for Want of this, is much straiten'd, and prayeth due Payment for the future. By this the Reader may fee how much Money it cost the Government, in those Days, to keep that important Fortress in Possession.

On the Petition of Joan, late Wife to Thomas Earl of Kent, to have 1000 l. a Year during her Life, out of the Hereditaments of the said Thomas, the King, by the Consent of Edmund Earl of Kent, Brother to the said Thomas, granted to the said Joan, during Life, certain Manors and Hereditaments, there named, to the Value of 300 Marks, over and above her Jointure, for the Vol. II.

n This Duke was Son to the old Duke Edmund, who died a Year or two before.

King Henry IV. which the faid Joan released to the faid Edmund all her Dower.

The Sheriff of Rulland having returned one William
Sheriff fined for Ondeby for Knight of the same Shire, and not Thomas
a false Return. de Thorpe, who was chosen, he was commanded to
amend the same Return, by returning Thomas Thorpe;
and, farther, was committed to the Fleet, and to Fine

and Ransom at the King's Pleasure.

The last two Things we shall abstract from the Records of the Proceedings in this Parliament, which seems to have ended on the first Day of March, are, first, The Commons' Petition to the King, that all Lords, Knights, Citizens, and Burgesses, coming to Parliament at his Command, and there residing till their Return to their own Homes, together with their Servants and Followers, be under his especial Protection and Desence: And that they shall not be arrested for any Debt, Trespass, Account, or Contract whatsoever, or any ways imprisoned during that Time: Under the Penalty of making Fine and Ransom to the King, and paying treble Damages to the Party aggrieved. The King's Answer was, That there should be sufficient Remedy provided in that Case.—And this is the first Statute of Protections we have yet met with 3.

The other is, That as it was usual at the End of every Session for the King to grant an Act of Grace, or a general Pardon to all his Subjects, so now an Act of that Sort was passed with only the usual Exceptions; and except William Serle, with one Thomas Warde of Trompington, who, as the Record expresses it, seigned himself to be King Richard b.—A Piece of History we have not met with in any other Authority. The Print of this Statute, also in those at large, differs from the Record, both in Form, and wanting the fignificant Word, Treason, which is plainly expressed in the latter c.

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It is observable that not one Tax or Subsidy appears, on the Record, to have been either asked or granted by the King or Parliament, at this Session. But a Contemporary Historian has assigned a Reason for this Omission, by telling us, that the Record of the Subsidy, which, he says, was new and very pernicious to the Country,

Rot. Parl. 5. Henry IV. No. 71. See also Statutes at large, cap. VI.

b Ibid. Rot. No. 84. C Toutes Maneres de Tresons, Insurrections, Rebellions, &c. Ibid.

Country, was ordered to be burnt by those that grant-King Henry IV. ed it °. This Tax is faid, by some, to be twenty The Record of a Shillings of every Knight's Fee, and twenty Pence of Subfidy burnt by every one that had twenty Pounds Lands a Year, and Order of the one Shilling in the Pound for Money or Goods, and fo Parliament that upwards according to that Rate P. If this be true, it was a heavy Tax indeed, and it is more than probable that it was somewhat extraordinary, since the Parliament took fuch Care that it should not be drawn into Consequence, by destroying the Evidences of it. in vain are Precautions taken, says a late Historian, to bury in Oblivion fuch Sorts of Precedents, which Princes, upon Occasion, too frequently call to Remembrance q.

In the same Year of this King new Writs were isfued out, directed as usual, for a Parliament to meet at Coventry, on the 3d of December; though there is no Account of any Proceedings at it on Record. But, in the next Year, other Writs came out for summoning another Parliament to meet at the same Place, dated at Litchfield, August 25, and returnable the 6th of October following. Before the Meeting of this Parliament another Insurection was raised against Henry, of which the Archbishop of York, Richard Scrope, the Earl of Northumberland, and Thomas Mowbray, Earl Marshal, were the Principals. The Articles mentioned before, [See p. 73.] were again renewed against Henry, and publickly fixed on the Church Doors in the City of York and many other Places. But, by a Stratagem used by the Earl of Westmoreland, the King's General, the Archbishop and Earl Marshal were taken and beheaded, whilst the Earl of Northumberland found Means to fly into Scotland.

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At the Time appointed, the Parliament being all'Anno Regai 6. met in the Great Chamber within the Priory of Coventry, which was appointed and ornamented for that Purpose, Henry Beaufort, then Bishop of Lincoln, and Lord-

1405.

At Covening.

O Tho. Walfingham. His Words are thefe; Concessores infi et Authores dicti Tallagii, in perpetuum Latere Posteros voluerunt ; nempe sub ea tantum Conditione concedebatur, ne traberetur posterius in Exemplum, nec ser-warentur ejus Ewidentiæ in Thesaurario Regio nec in Scaccarto, sed Scrip-ture wel Recordationes ejusdem, protinus post datum Composum cremarentur. Hift. Ang. p. 369, 370. Stowe's Chron. p. 330.
p. Holling Spead's Chron. 524. Daniel in Kennet, 289.

4 Rapin, Fol. Edit. 495.

King Heavy IV. Chancellor, the King's Brother, in the Presence of the Three Estates of the Realm, declared the Cause of the Summons, in the usual Preamble; For Holy Church. Corporations, and Persons enjoying their Liberties: and then gave out this Text. Rex vocavit Seniores Ter-

ræ; on which he learnedly argued.

That, for the Safety of the Realm, both within and without, and particularly for repressing the Welsh Rebels: for relifting their Enemies in France and Brittany, who were daily getting Reinforcements, in order to invade the Nation, and to subvert the State: for the due Observation of the Peace and Administration of Justice, the King had called the Wise Men of the Realm to be by them advised for the best. the last Parliament had not provided a sufficient Force for fubduing the Welsh, neither was there a Competency granted for the Performance of such great Exploits; and because the French had determined to make War upon England, and had then actually invaded Guienne, they could not wonder at the sudden Calling of this Parliament, fince they ought speedily to determine, for the avoiding of these so great Mischies and immi-I nent Dangers.' He then urged the Commons to chuse a Speaker, and present him the next Day to the King. This urgent Demand was as speedily complied with

Sir WILLIAM en Speaker.

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A Subfidy.

STURMEY cho. by the Commons; for the next Day, having presented Sir William Sturmey for their Speaker, the very Day after, October 8, they, with the Assent of the Lords, granted the King two entire Tenths and two Fifteenths upon the Laity, to be levied in Manner accustomed. Also the Subsidy on Woolls, Wooll-fells, and Skins; that is, of every Denizen, for each Sack of Wooll. 43 s. 4 d. for every 240 Wooll-fells, the like Sum; and for every Last of Skins, Five Pounds: Of Aliens, 10 s. more in each Article, to subfift for two Years; Three Shillings on every Ton of Wine, imported or exported. and Twelvepence in the Pound on Merchandize. these Taxations a new Grant was added this Time. which was of every twenty Pound Land, belonging to either Peer or Peeress, where the whole of the annual Rents, in their Hands, amounted to five hundred Marks and twenty Shillings; on Condition, that all should be employed only towards the Maintenance of

the Wars, and Defence of the Realm; and the Lord King Henry IV*
Furnival and Sir John Pelham, Knights, were appointA Subfidy graned Treasurers of War, who were then sworn to exeted.
cute their Offices according to the Intention of the
Grant.

Several Bishops and Lords offered to lend certain Sums of Money, in order to raise Forces for rescuing the Lord of Coytiff's, who was then besieged in his Castle by the Welsh Rebels; and the King appointed, by Consent of Parliament, that such Loans should be repaid out of the first Payments of the Subsidy then granted.

On the 26th of October the Commons came before several Grants, the King and Lords, in full Parliament, and begged Leave to recommend the young Lords John and Hum-phry, two of the King's Sons, for his Advancement of them to honourable Estates and Livings. They also prayed the King to remember the Duke of York's late Service in Guienne, and elsewhere, so as he might be paid the Arrears due to him. The like Request they made for the Earl of Somerset, and Sir Thomas Beaufort his Brother. Lastly, They beseeched the King to restore to Richard, Brother to the Duke of York, certain Jewels, to the Value of 4000 l, which were in the Hands of King Richard II. They likewise concurred in the Request above, for the Rescue of the Lord of Coytiff.

As, in some of the last Parliaments, the Lords and Commons took Care to regulate the King's Houshold, so in this the Commons applied to the King for a Resumption of all Grants made from the Crown since the 40th Year of Edward III. under the following Particulars:

First, That all such Hereditaments, Liberties, and Customs as were in the Crown, at the Time above-mentioned, and since, by any Means, granted from it, should be resumed into the King's Hands for ever: Provided that all Cities and Towns Corporate shall keep their Liberties; and except also the Lands of such as were forseited the 11th of Richard II. and were sold away.

That all Wines taken for the King's Eighth, or Prifage, and granted to any Person by the King or his
Predecessors, may be resumed: And that the present
Queen may be endowed with all the Lands, HereditaF 3 ments,

e Quere Cardiff.

King Henry IV. ments, &c. as the late Queen was, in whose Hands foever they be and by what Grant soever alienated.—
That all Grants of King Edward III. or any of his Progenitors, made before his said 40th Year, be confirmed by Parliament.—That all Farmers to the King by the like Grants, may enjoy their Farms, giving as much for them as others would do. Lastly, That no Man, hereby, be restrained of using any Licence or Warrant, granted for building any Castle, or Castelet, or for inclosing any Park.—To all which Petitions the King returned the following Answer; which, since it is entered on the Rolls, we shall give, at Length, in its own Diotion and Orthography.

AND for a smuche that the Comunes desiren that the Kyng shulde leve upon his owne, as gode Reson asketh, and all Estates thinken the same, the Kyng thanketh hem of her gode Defire, willing to putt it in Execution alsone as he wele may. And bycause the Comunes desiren that al that longed unto the Corone the farty Yere of Kyng Edward, and fith hath he departed, shuld be resumed, to that Entent that the Kyng myght better leve of his owne: And for alsmuche that it may noght be knowne unto the Kyng which is of the Corone and which is not, without more Examination; ne what bath be granted fyth the forty Yere of Kyng Edward unto this Tyme, the Kyng's Entent is to assygne certein Lordes Spiritual and certein Lordes Temporal, and al his Justices and al his Sergeants, and other suche as him lust Name, for to putte in Execution alsferre as be may, by the Lawe of his Land, or by his Prerogatiffe or Libertee, alle the Articles contened in the Petition of the Comunes, in alle Haste that he may, in Discharge of his People.

There are some other Ways prescribed in this Parliament for the King to live of his own and be less burdensome to his Subjects, which are too long to infert. The Representatives of the People, in those Days, shewed themselves to be really so, by making the Interest of their Constituents the same as their own; they freely gave to relieve the Necessities of the State, in Time of War, or the like; but at the same Time took Care that no useless Grants or Pensions should be made from

from the Crown, to impoverish the Revenue of it, which King Henry IV. was then thought sufficiently ample to maintain itself in Splendour: When an English Monarch had no foreign Appendages to draw from him the very Blood and Vitals of this Commonwealth.

If what an Antient and a Contemporary Historian t writes be true, there is a great Defect in the Records. relating to fome considerable Transactions which were carried on against the Clergy in this Parliament; for there is not one Word said in them about it. It is pro-「 86 T bable that, fince the Defign miscarried, the Clergy had Interest enough to keep it out of the Rolls. But, be that as it will, it is agreed that the Court had been tampering in the Elections this Parliament, to get such Members returned, as were not over favourable to the Interest of the Church. An Error in Government, though made a principal Article against King Richard, was yet overlooked in King Henry ". The aforecited Author relates, That the King directed the Sheriffs, in his Writs for electing Knights of the Shire, to chuse none that were any way learned in the Laws of the Land; but that they should send such to this Parliament as were wholly ignorant in the Course of either Canon or Civil Law; which was done . From whence this Parliament got the Name of Parliamentum Indoctorum, The Laymen's the Illiterate or Lack-Learning Parliament. But it is Parliament. more probable it was nicknamed so, some Time after, by the Clergy, on Account of the Designs there carried on against that learned Body; for we find that other Authors call it the Laymen's Parliament y.

However, our former Authority goes on and writes, Motion for ap-That when the King first represented to this Parliament, plying the Refo composed, his great Want of an extraordinary Aid, venues of the the Commons went in a Body, and, by their Speaker, Service of the addressed him, remonstrating, 6 That, without burden State, ing his People, he might supply his Occasions by sei-zing on the Revenues of the Clergy. They set forth,

t Thomas Walfingbam fub hoc Anno.

u Daniel in Kennet, p. 290. Rapin, Fol. Edit. p. 495, 496.

z Direxit ergo Brewia Vicecomitibus, ne quosquam e Comitatibus eligerent quovismodo Milites, qui, in Jure Regni, vel Docti fuissent vel Appienticii; sed tales emnino mitterentur ad boc Negotium, ques constaret ignorare cujus-que Juris Methodum; sactumque ita est. Wallingham, p. 371.

¹ Sterve's Chron. p. 330. Speed, p. 619.

King Henry IV. 6 That the Clergy possessed a third Part of the Riches of the Realm, and not doing the King any Personal Service, it was but just they should contribute out of their Revenues, towards the pressing Necessities of the State: That it was evident, the Riches of the Ecclefiaftics made them negligent in their Duty, and the e lessening of their excessive Incomes would be a double Advantage both to the Church and State.'

The King received this Address in a Manner as shew-

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by the Archbi-

thop of Canter-

bury.

ed that it was not disagreeable to him; and it is not unlikely that it was he who, covertly, was the first Mover of it. The Archbishop of Canterbury being prefent, thought it his Duty to speak on an Occasion where Which is opposed his own and the Interest of the whole Clergy was concerned. He represented to the King, 'That though the Ecclesiastics served him not in Person, it could onot be inferred that they were unferviceable, fince they fent into the Field their Vassals and Tenants whenever there was Occasion. That the stripsping the Clergy of their Estates, would put a Stop to their Prayers, Night and Day, for the Welfare of the State; and there was no expecting God's Protection f of the Kingdom, if the Prayers of the Church were for Iittle valued.' Upon this the Speaker of the Commons feemed to finile, and faid openly, 'That he thought the Prayers of the Church a very slender Supply 2. To which the Archbishop answered, with fome Emotion, 'That if the Prayers of the Church were fo slighted, and that other Considerations were onot capable of suppressing the Plots against the Clergy, it would be found difficult to deprive them of their Estates without exposing the Kingdom to great Danger; and, fo long as he was Archbishop of Canterbury, he would oppose this Injustice to the utmost of his Power.' Then, fuddenly, falling on his Knees before the King, 'he strongly pressed him in Point of Conscience, and endeavoured to make him sensible that, of all the Crimes a Prince could commit, none

> z Walfingbam fays, That this Speaker was called Sir John Cheney, who having, as it was faid, taken Deacon's Orders, had deferted his Character, and turned Soldier, p. 371, 372. But by the Record he is called Sin William Sturmey.

was so heinous as an Invasion of the Church's Patri-King Henry IV.

'mony.'

Whether Henry was moved with the Archbishop's Speech, or that he forefaw the strong Opposition the Clergy would make, and that he could not, without great Difficulty, accomplish his Defign, he suddenly changed his Purpose, and resolved to desist from it. He answered the Archbishop, 'That, though he blamed not his Zeal, he could not help faying, that his Fears were groundless; for, when he mounted the Throne, he made a firm Resolution to support the Church with s all his Power, and hoped by God's Affistance to leave her in a better State than he found her.' The Archbishop, encouraged by this Answer, turned to the Commons, and spoke to them in a Manner not very proper to gain their Good-will, telling them their Demand was built wholly on Irreligion and Avarice. 'You, fays he, and fuch like as you, have advised both our Lord the King and his Predecessors to conficate the Goods f and Lands of the Alien/Priories and Religious Houses, on Pretence he should gain great Riches by it, as, indeed, they were worth many Thousands; notwithflanding, it is most true, that the King is not Half a Mark the richer for them all, for you have extorted, or, at least, begged them out of his Hands, and have appropriated the faid Goods to your own Uses; so it may well be conjectured that your Request to have 5 our Temporalities, proceeds not so much for the King's Profit, as for your own Covetousnels: For, without Doubt, if the King, as God forbid, should fulfil your wicked Purpose, he would not be one Farthing the richer for it at the Year's End. And, verily, adds he, I will fooner have my Head cut off, than that the • Church should be deprived of the least Right pertainfing to it.

The Commons made no Reply to this severe Reprimand; but when they came back to their House, they resolved to persist in their Petition, and brought in a Bill to seize the Clergy's Revenues. But there was no This Project gi-Probability of succeeding in their Project; the Sollici-Venue, and a Supply voted, tations of the Archbishop, and the rest of the Prelates,

were so prevalent with the Lords, that they threw out

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King Heavy IV. the Bill: and so the Commons were forced to find other Means to supply the King's Occasions ..

But to return to the Records.

On the last Day of this Parliament b, the Common's [89] prayed, That the Money borrowed for faving of the Honour of the Lord John, the King's Son, and the Estate of the Realm may be answered: That the King would consider the painful Service of the Duke of York. whilst he was the King's Lieutenant of Guienne, and that he may be paid what to him is due; and also to remember Sir Thomas Erpingham c, Sir Thomas Remp-[90] fon, John Norbury, and other valiant Knights and Esquires, who adventured themselves with the King at his coming into the Kingdom. Likewise, That no Stranger born be a Collector of the Customs, or the like Officer, neither enjoy any Benefice within the Realm. And, that no Members of the Commons' House be Collectors of Subsidies. The King's Answer to the four first, was, The King will be advised: And to the laft, It shall be as in the Reign of Edward III.

> fon that so much was mis-entered in the Roll. There were feveral other Petitions and Answers upon less Affairs, which, being read, the Chancellor, by the King's Command, returned his Majesty's Thanks to them all, and diffolved this Parliament.

Lastly, At the Request of the Commons, the King remitted Six Shillings and Eightpence of every Sack of Wooll, and the like of other Staple Commodities of the Grant made in the 4th Year of his Reign, by rea-

In the feventh Year of this King's Reign d, Writs Anno Regni 7. 1406. were issued, dated December 21, for a Parliament to

At Westminster.

2 Walfingham adds, That the Knights and Burgesses were so ashamed of themselves, that they consessed their Fault to the Archbishop, and asked his Pardon. And that the Clergy granted the King, at this Time, a Tenth and an Half, notwithstanding that the Half of the last granted

Tenth was yet unpaid, p. 372.

b The Day of the Month not mentioned.

c He was Warden of the Cinque Ports, Anno 23 Richard II. and was summoned to Parliament as such, in the first nine Years of Henry 1V. Nor was there any other Person summoned as Warden in this Reign, but

Henry Prince of Wales, in the eleventh Year,
d Dugdale's Summons to Parliament, p. 372.
This Author and Sir Robert Catton's Abridgement differ oftentimes fo. much in their Dates of Summons, that it is hardly possible to reconcile them. Dugdale says, there were no Summons in the fixth of this Reign; contrary to Walfingbam, and the Statutes at large, which mention several Acts passed in that very Year.

meet at Covenity on the 15th of February; but, on the King Henry IV. 1st of January, other Writs were issued for their Meeting at Gloucester on the Day first appointed: From whence they were prorogued to affemble at Westminster on Menday in the first Week of Lent, or the 1st of March that Year. Being all met, according to the last Prorogation, in the Painted Chamber of the King's Palace there, Thomas de Langley, Clerk, then Lord-Chancellor, opened the Cause of the Summons; and, after making the usual Declaration about the Liberties of Holy Church, &c. he took for his Subject these Words, Multorum Consilii requiruntur in magnis; and said,

'That in the weighty Affairs relative to the good Government of the Realm, and Safety of the Subjects. which were annoyed by the Rebellion of the Welfb, 'and likely to be invaded by the French and Scots, who ceased not to infest Guienne and the Marshes of Calais; besides the Troubles raised by the Irish, he had called the same Parliament, as meaning to follow the Counsel of the Wise, saying Fili nil sine Consilio facias, et tunc 'pest Factum non pænitebis; wherein he purposed to begin also with the Example of Abasuerus, Qui interrogavit Sapientes, et illorum cuncta faciebat Con-In which Consultation, he declared to the King, Lords, and Commons, that if they would ob-' ferve the Laws of God, they might then affure them-'felves to find Peace at Home, and Victory Abroad."

The Receivers of Petitions being appointed, the next. Day the Commons came before the King' and Lords, Sir John Truzand presented Sir John Tibetot for their Speaker, who TOT chosen excused himself on account of his Youth, and other speaker, Causes; but the King confirmed the Election. not find that this new Speaker made any Protestation to the Throne, in Behalf of himself and his Colleagues, as was usual at this. For, after he had excused himself, Who omits the as above, the Chancellor immediately charged the Com-Protestation, mons, for the speedier Dispatch of Business this Parliament, to repair to their accustomed Place in the Abbey of Westminster, and to be there every Morning at Eight o'Clock; the Lords were, at the same Time, ordered to meet at Nine.

It must be owned that a great deal of Business may be dispatched in a very little Time, when we tell our Readers.

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A Sublidy.

King Heavy IV. Readers, That the Commons had got ready their Bill of Aid, the next Day, March 2, and, with the Consent of the Bishops and Lords, presented it to the King; whereby they granted a Subfidy of one Tenth and one Fifteenth. to be levied on the Laity for one Year; and, besides, they gave to the King, in other Matters, as Tonnage and Poundage, &c. the same that was granted in the last Parliament.

> A late Historian makes a fine Flourish here d, c That Henry was denied an Aid of Money in this Parliament, and was flatly told there was no visible Occafion for it: That the King was extremely offended at this Denial; but, however, durst not shew his Refentment, for Fear of exasperating them: Mean while, he devised an Expedient, which procured him what This was, to keep the Parliament affemhe wanted. • bled till they should, of their own Accord, be brought to grant his Demand; so, without any fresh Application, he continued the Session till the End of August. This, adds he, was very inconvenient to the Mem-

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A Mistake of

Mr. Rapiu.

• pensive to the People who were to bear their Charges. At length the Commons, impatient of returning to their Homes, voted him a Subsidy, not without loud

bers, who had Bufiness at Home, and withall very ex-

Murmurs at the Constraint laid upon them.'

Thus do some Historians set off their Labours in glaring Colours and pompous Expressions, in order to take the Eye, and divert the Ears of their Readers! There happens to be little or no Truth in all this Parade of Words, for there was no Demur at all in the Parliament's granting an Aid. On the contrary, it was given much sooner than ordinary, and in a very unusual Way; being granted on the very next Day the Commons prefented their Speaker, or the second Day of the Session. It is true, indeed, this Parliament was continued by Prorogation for a much longer Time than Rapin speaks of: but it was not for the Reason he mentions, but, as it will appear in the Sequel, on a quite different Occa-

If Walfingham led him into this Mistake, as his Marginal Note seems to infer, Cotton's Abridgment, which is also quoted in the same Place, would have set him

& Rapin, Fol. Edit. p. 498.

him right again, if he would have taken the Trouble King Heavy IV to confult it.

It was not till March 23, that the Commons came before the King again, when Sir John Tibetot, the Speaker, then made the common Protestation, and required a Confirmation of all their Liberties and Privileges, and that they might at any Time send for any of their Bills from the Lords, for Amendment of the same; which was granted. The same Day the said Speaker, before the King, made several Memorandums for good Government, namely, for confirming all their Liberties, for safe keeping of the Sea, and for providing for the Desence of Guienne, which was then in great Danger to be lost.

On the 3d of April the Speaker required of the King, The Speaker that his former Protestation and the following Regula-proposes several regulations might be entered on Record, viz.

That, for the better resisting of the Welf Rebels, the Deliver of the Record resisting the Rebels, the Record resisting the Rebels, the Record resisting the Rebels, the Record resistance resistance resistance required to the Record resistance required to the Record

the Prince might reside in Wales, and have sufficient Power given him, by Commission, for that Purpose.

That no Heritages, conquered from the Welsh, be given away till one Quarter of a Year after.' The King answered, That he would not grant any without Advice.

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That a Time for banishing all Aliens, Frenchmen and Bretons, out of the Realm be appointed. It was answered, It shall with all convenient Speed.

That it would please the King to excuse the Commons, in that it had been reported they had talked of the King's Person otherwise than beseemed them, which was untrue. The King answered, He believed the same.

Then a Committee of both Houses was appointed to treat about the Saseguard of the Sea, who agreed upon

the Articles following:

I. 'That the Merchants, Mariners, and Owners of English Ships, shall find and provide sufficient and

able Ships for 2000 fighting Men, and 1000 Seamen, for a Year and a Half. To answer which Ex-

men, for a Year and a Half. To answer which Ex pence they shall have allowed, upon Account, 12 d. in

the Pound on Merchandize, and 3 s. upon every Ton of

Wine; with the fourth Part of the Subfidy on Woolls,

Wooll-fells, and Skins, granted in the last Parlia-

" ment

Mag Henry IV. 6 ment held at Coventry; and that the Merchants, in e levying the faid Sums, should have Warrants under

the Privy Seal as oft as there was Occasion.

II. 'That the Merchants shall enjoy all such Prizes s as they shall take, having due Consideration for the

King's Admirals when he shall appoint any.

III. 'That if the Royal Navy of the Enemy shall happen to be at Sea, and the King make out against them, then the Merchants aforesaid shall have one

6 Month's Notice to provide.

IV. • The Merchants aforesaid shall have reasonable Warning of any Peace or Truce to be made; after which they shall have due Consideration for all their Charges.

V. That the Merchants name two Persons, one for the South and the other for the North, who, by

Commission, shall have the same Power as other Ad-• mirals have had on the like Occasion.

Lastly, The Merchants demanded 4000 l. for the present; but the Answer was, The King had it s not e.

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The same Day, April 3; the King, for certain weighty Reasons expressed in the Record, adjourned the said Parliament from that Day unto the Quindene of Easter next ensuing, to be holden at the said Place, at Westminster; and licensed the Lords and Commons to

depart for that Time.

The Day appointed was the 25th of April that Year; when, because the Archbishop of Canterbury, with feveral other Bishops and Lords, were not yet come, the Parliament was again adjourned for four Days more. Nor were they well settled to do Bufiness till Sunday the 8th Day of May following; at which Time the Speaker of the Commons again prayed the King, that, under his Protection, he might be allowed as great a Liberty of Speech as any of his Predecessors ever had, which was granted. They then requested

e The King's Writ to the Mayor and Sheriffs of London, with a full Account of this Agreement of the Merchants, is in the Public Acts. The like Writs are directed to the Chief Officers of all the Cities and great Towns in England. Tefte Rege apud Westmonasterium fexto Die Aprilis. Fed. Ang. Tom. VIII. p. 437.

There is another Instrument in the said Public AEs under this Title; De Admirallo conflituto per Mercatores Regi nominato. Ibid. p. 439.

the King to appoint certain Persons, by Name, to be King Heavy IV. of his Council; and that by Authority of Parliament. They required that Provision should be made for the great Dearth at Calais; that all Captains beyond the Seas be commanded to repair speedily to their Forts and Ports, as the Earl of Samerset was about to go to Calais; and that Richard Clyderowe, one of the Admirals for the Sea, might be ordered to go thither; all which the King granted.

Some private Affairs next follow in the Record, which we chuse to omit. This Parliament continued satting till the 7th of June, when the samous Act was passed for entailing the Crown of England, with all the Hereditaments and Rights whatsoever, on the present The Crown entailed by Act of ten. In like Manner it was entailed on the Prince of Parliament, Wales, and, for Default of his Issue, on the Lords Thomas, John, and Humphrey, successively successively set to the Record; and on the Margin of it is wrote Vacat; yet this Conveyance, he adds, was exemplified under the Great Seal at that Time.

It does not appear by the Copy from the original Rolls of Parliament, at present under our Inspection, that this Act was passed at this Time, no Notice being there taken of it. It may be that the Copyer, seeing the Vacat in the Margin, thought it not worth the Trouble of transcribing in that Place; especially as it occurs soon after in this very Parliament, ushered in with all the Formalities so solemn an Act required.

We shall make no Remarks of our own on this extraordinary Act of Parliament, for settling the Succession, and limiting of it to the Heirs Male only; though we have not met, in the Course of these Inquiries, with an Act of this Nature. We shall only say, that the Exclusion of the Females from succeeding, of any Line whatsoever, was a tacit Dishersion of the House of York; who, as the Reader will find in the Sequel, claimed only from that Source.

The Commons required, 'That certain Persons may' be appointed Auditors, to take and examine the Accounts of the Lord Furnival and Sir John Pelham, made

F John the third Son is omitted, by Miftake, in Cotton.

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King Heavy IV. 6 made Treasurers of War in the last Parliament.' They required also, 'That three Parts of the Subsidy granted. to the Merchants for keeping the Sea, be paid to them; and that the fourth shall only be employed for the Defence of the Realm. That all Aliens may avoid the Kingdom, except those that are made Denizens, or Men of the Church, impotent Persons, or Dutchmen. That all Lands and other Profits, let out for Life, or Years, by the King or his Progenitors, may be improved to greater Value. Laftly, That all the Revenues and Profits of the Realm, granted fince 6 the Beginning of the Parliament, may be resumed into the King's Hands, and referved for the Maintenance of his House; and that all the exorbitant Charges of • the Houshold be speedily retrenched.'

On the 19th of June the King, for the same weighty Reasons as before, again adjourned this Parliament from that Day to the Quindene of St. Michael, or the

15th of October following.

On which Day being again affembled, it was farther adjourned for four Days more, to give Time for some Lords and Commons yet to come up. And it was not ... till the 18th of October that Sir John Tibetot, Speaker of the Commons, came before the King, and required a Confirmation of his first Protest, which was granted. And, upon a Motion of the faid Speaker, the King charged both Lords and Commons, on their Allegiance, that they should particularly inquire concerning any evil Government, and prevent it for the future. The same Day the Speaker required that the Castle of Manlion, which was the Key of the Three Kingdoms, and which was kept by Sir Charles de Navarr, a Foreigner, might be kept by Englishmen only: 'That all Fines and Ransoms of the Welshmen may be employed in those Wars: That the • Prince may be fent into Wales with all Speed, confidering the Rebellion of the Earl of Northumberland

fidering the Rebellion of the Earl of Northumberland
 and others : That certain Castles might be kept
 as Hostages for the Earl of Douglas; and that the
 other Scots Prisoners should not be slightly given up,

f The Earl of Northumberland had revolted again, but had been forced to fly, with the Lord Bardolf, into Scotland for Protection. Being betrayed there, they fled into Wales, and, joining with Owen Glendour, were

then become formidable.

confidering, as they said, that they were the Flower King Henry IV. t of all Scotland."

In this Session of the same Parliament, the Conveyance or Act of Settlement, mentioned before, was repealed, and another Act was made upon it, whereby the Crown was entailed upon the King and his Sons, in

General Tail, &c.

Mr. Rapin has bestowed a great deal of Historical Mr. Rapin's Re-Learning on the passing and repealing of the last, and marks on that making this new Act of Settlement; wherein the Arguments, pro & con. about the Right of Females succeeding to the Crown of England, is learnedly discussed s. We shall refer our Readers to that Author for the whole of the Arguments on the Question, and content ourfelves with making fome Observations, from him, on the Statute before us h. He fays, 'That when Henry IV. mounted the Throne, he pretended to be the next Heir of Richard II. by which he feemed to make no Account of the Earl of March's Right, descended only from a Daughter i. And, indeed, supposing the Invalidity of the Female Right, it could not be denied but that he was nearer than the Earl of March. who was let up against him. But this pretended Invalidity was a Point not decided; for the People were egenerally of Opinion, that Daughters had a Right to the Succession, since, without its being necessary to alledge Examples or Precedents in their Favour, it was sufficient that there was no Law to exclude them. Upon this Foundation the late Rebellion was raifed, as appeared by the Manifesto the Rebels published. It is therefore very likely, that, to remove this Pretence from the Malecontents, Henry would have had this Point settled by an Act; which, in excluding the Daughters and their Issue, seemed to infinuate the reigning King ascended the Throne, pursuant to the cultomary Laws of the Realm. But this Act which, fays our Author, was extorted the same Way as the Subfidy, lasted but till the End of the Year. The enext Parliament, [still mistaking, for it was all the fame] made fuch strong Remonstrances to the King,

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8 Rapin, Fol Ed. p. 498.

h Statutes at large; An. 7. Henry IV. cap. ii.
i See Vol I. p. 387, 414. and in this Volume, p. 2.

King Henry IV. 4 that he confented to the Repeal. This Parliament.

onot satisfied with leaving the Right of the Daughters in its former doubtful State, passed a new Act, where-

by the Females and their Posterity were established in their natural Rights.' Our Author concludes with

observing, 'That the Precaution taken by the King to fecure his Right in the first Act, was extremely pre-

iudicial to his Posterity. He thereby gave Occasion

for the fecond, which strengthened the Title of the

Earl of March; and consequently of the House of

"York, who became Heirs to that Prince."

The foregoing pealed, and an Act for fixing the ral Tail 3

We shall make no Apology for inserting this long Settlement re- Ouotation from an Author of fuch Eminence in History; and, where he is right in his Points, shall al-Crown in Gene- ways give him his due Praise. A Matter of that great Moment, as the Succession to the Crown of England, fettled by Act of Parliament, must not be slightly pass'd over in these Inquiries; we shall therefore give our Readers an Abstract of the Statute itself, as it is published in the Collection of Public Asts, translated from the Latin; which, with the Names of the Bishops, Abbots, Lords, &c. who figned the said Act, may ferve to conclude our Account of this extraordinary Proceeding 1.

HENRY, by the Grace of God, &c.

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It begins with a Recital of the Act made last Session of Parliament, for fettling the Succession on the Male Line only, as aforesaid: Then adds, Nevertheless, because the Prelates, Lords, Clergy, and the whole Community of England, considering that the said Statute, by excluding the Female Line, too much contracted the Right of Succession, which they rather sought to enlarge, they unanimously petitioned us, with more than ordinary Zeal, to annul and make void the said Statute, and to pass an Act for settling the Right of Succession in Henry, my Son and Heir, and the rest of my Sons, and their Children. lawfully begotten, successively.

We, therefore, judging the faid Request to be consonant to Right, do annul and make void the faid former Statute; and, with the Consent, and by the Authority, of the Said

Prelates.

1 Feed. Ang. Tom. VIII. p. 462, 3, 4. It is also entered on the Rolls of Parliament.

Prelates, Lords, &c. in Parliament affembled, do ordain, King Henry. IV. establish, &c. the said Henry our First-born Son, our true, lawful, and undoubted Heir, and universal Successor, to our Crowns and Kingdoms of England and France, and to all our Dominions beyond the Sea whatsoever; with all their Rights, Appurtenances, Privileges, &c. belonging thereto; and after him, successively, to the Heirs of his Body, lawfully begotten, for ever.

For Failure of this, in like Manner, the Settlement establishes it on Thomas the King's second Son, and his Heirs, &c. then to John and Humphrey, his third and

fourth, fucceeding.

Provided, that, by this Statute or Ordinance, we intend not to change or alter the Succession to the Rights, Possessions, Honours, and Customs, with all other Appurtenances belonging to the Duchy of Lancaster; but that the said Rights, &c. may remain as they have been accustomed; this, or any other Statute made in this Parliament, notwithstanding.

In Testimony of which not only our Seal, but the Seals Which is subof all the Lords Spiritual and Temporal aforesaid, for scribed by the themselves, the Clergy and Community aforesaid, are put

to these Presents.

Bishops. Thomas, Archbishop of Canterbury, Primate of England. Nicholas, Bishop of London. Henry, of Winchester. Fohn, of Ely. Thomas, of Durham. Robert, Bishop of Chichester Richard, of Salisbury. Guy, of St. David's. John, of Coventry and Litchfield. Richard, of Worcester. Richard, of Bath and Wells. Robert, of Hereford. Philip, of Lincoln. Thomas, of Landaff. And William, of Carlifle.

The Guardians of the Spiritualities belonging to the Archbishopric of York, and to the Bishoprics of Norwich and Rochester.

The ABBOTS of

Westminster.
St. Alban's.
Waltham.
Peterborough.
St. John in Colchester.
St. Edmund's Bury.

St. Mary's, York.
Croyland.
d Bardoney.
St. Bennet, of Hulm.
G 2 Glasten.

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King Henry IV. Glastenbury. Malmfbury. Redyng. Thorney. Selby. Battel. Cirencester. St. Peter's, Gloucester. Evesbam. Ramesey. Hyde, near Winchester. Winchecumbe. The Prior of Coventry. Walter, Prior of the Hospital of St. John of Jerufalem, in England.

DUKES.

Edward, Duke of York.

John, of Somerset.

Edmund, of Kent.

EARLS.
Thomas, Earl of Arundele.
Richard, of Warwick.
Edward, of Devenshire.
Michael, of Suffolk.
Richard, of Oxford. And
Ralph, of Westmoreland.

BARONS.
William Lord Ross.
Richard Lord Grey, of Codenore.
Henry Lord Beaumont.

Reginald Lord Grey, of Ruthyn. William Lord Ferrers. Thomas Lord Furnival. William Lord Willoughby. Hugh Lord Burnel. William Lord Clynton. Thomas Lord Morley. John Lord Darcey. Fohn Lord Lovel. Barth. Lord Bourghchier. Gilbert Lord Talbot. William Lord Zouch. Thomas Lord Camois. Richard Lord Seymour. Henry Lord Fitz-Hugh. Hen. Ld. Scrope, of Masbam; John Lord Welles. John Lord Cobham. Peter Lord Mauley. John Lord Latymere. Edward Lord Charlton, of Powys. Thomas Lord De la War. Thomas Lord Berkeley, de Berkeley. Ralph Lord Cromwell. Ralph Lord Greystock. William Beauchamp, Lord Bergavenny. John Lord Tuchet. Robert Lord Ponynges. John Ld. Harrington. And Richard Lord Strange.

And by the Speaker, on Behalf of the Commons.

Also Sir John Tibetot, Knight, Speaker of the House of Commons, in this Parliament, in his own and in the Name of the whole Body, gave his Assent to all the aforesaid Articles. Lasty, The King, with all the rest, swore to keep all the said Premisses inviolably.

Dated, in this present Parliament, within our Palace at Westminster, December 2, Anno Dom. 1406, in the Eighth Year of our Reign.

Sir

Sir Robert Cotton, or rather his Publisher, Mr. Prynne, King Henry IV. in the Abridgement, makes the following Remark on the Proceedings of the Clergy in this Parliament, which we shall give verbatim.

At this Time the Clergy suborned Henry Prince of Wales, for and in the Name of the Bishops and Lords;

and Sir John Tibetot, the Speaker, for and in the Name of the Commons, to exhibit a long and bloody

Bill against certain Men called Lollards, namely

against those that preached or taught any Thing against the Temporal Livings of the Clergy. Other Points

touching Lollardy, I read none; only this is to be

marked, for their better Expedition in this Exploit,

they joined Prophecies touching the King's Estate,

and fuch as whispered and bruited that King Richard was still living; all which they inserted, to the End

that, by fuch Subtilty, they might better gain their Ends

against the poor Lollards aforesaid. Wherein note

• a most unlawful and monstrous Tyranny; for the Re-

s quest of the said Bill was, That every Officer, or other Minister whatsoever, might inquire after, or appre-

hend, fuch Lollards, without any other Commission,

• and that no Sanctuary should protect them.

But, notwithstanding these sarcastical Expressions in our true-blue Protestant, the Bill against these Broachers of new Controversies and Lyes, as they are there stiled a, must have been thought very reasonable at that Time, especially in a Government sounded so weakly as this was, and which must fear every Blast of Sedition that could blow against it. Mr. Fuller, in his Church-History, has given us an Abstract of this Act against the Lollards, which we shall insert, as we have compared it with the Original, and find it just,

To our most redoubted and gracious Sovereign, the KING.

OUR humble Son, Henry Prince of Wales, and the Lords Spiritual and Temporal in this present dress against the Parliament humbly shew, That the Church of England Lollards.

hath been, and now is, endow'd with Temporal Pof-

fessions, by the Gifts and Grants, as well of your Royal

Progenitors, as by the Ancestors of the said Lords Tem-

2 Touchant les Lollaides, et les autres Parlours et Controvours des Novellas et des Mensonges, Gc. Rot. Parl. 7 et 8 Henry IV. No. 62.

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King Heavy IV. 'Temporal, to maintain Divine Service, keep Hospita-'lity, &c. to the Honour of God, and the Soul's Health of your Progenitors, and the said Lords Temporal.

Yet, now of late, some, at the Instigation of the Enemy, against the aforesaid Church and Prelates, have,
as well in public Sermons, as in Conventicles and secret
Places called Schools, stirr'd and moved the Reople of
your Kingdom to take away the said Temporal Possessions from the said Prelates, with which they are as
rightly endow'd, as it hath been, or might be, best
advised or imagined by the Laws and Customs of your
Kingdom; and of which they are as surely possessed
as the Lords Temporal are of their Inheritances.

Wherefore, in case that this evil Purpose be not refisted by your Royal Majesty, it is very likely that,
in Process of Time, they will also excite the People
of your Kingdom for to take away from the said Lords
Temporal their Possessions and Heritages, so to make
them common to the open Commotion of your People.

There be also others who publish, and cause to be published, evilly and falsely, among the People of your Kingdom, That Richard, late King of England, (who is gone to God, and on whose Soul God, thro' his Grace, have Mercy) is still alive. And some have writ and published divers false pretended Prophecies to the People, disturbing them who would, to their Power, live peaceably, serve God, and faithfully submit and

obey you their Liege Lord.

Wherefore, may it please your Royal Majesty, in Maintenance of the Honour of God, Conservation of the Laws of Holy Church, as also in Preservation of you, your Children, and the Lords aforesaid, and for the Quiet of all your Kingdom, to ordain by Statute in the present Parliament, by the Assent of the Lords aforesaid, and the Commons of your Kingdom, That in case any Man or Woman, of what Estate or Condition they be, preach, publish, or maintain, hold, use, or exercise any Schools; if any Sect or Doctrine hereafter, against the Catholic Faith, either preach, publish, maintain, or write a Schedule, whereby the People may be moved to take away the Temporal Possessions of the aforesaid Prelates; or preach and publish, That Richard

Richard late King, who is dead, should still be in full King Henry IV.

Life; or that the Fool in Scotland, is that King Richard

who is dead; or that publish or write any pretended Prophecies to the Commotion of your People; that

they, and every of them, be taken and put in Prison,

without being delivered in Bail, or otherwise, except

by good and sufficient Mainprize, to be taken before

the Chancellor of England, &c.'

At the Petition of Thomas Lord Furnival, and Sir John Pelham, Knight, Treasurers of War as aforesaid, it was agreed, That certain Auditors affigned in this Parliament to take their Accounts, should make due Allowance to them; and that they, their Heirs and Land-Tenants, should be clearly discharged from the said Account.

Also the same Day, viz. 22d of October, the Speaker of the House of Commons came again before the King and Lords, and required, in the Name of that Body, that all the Lords of Council might be sworn to observe certain Articles, which they had drawn up, for the better Regulation of the public Affairs of the Kingdom. The Archbishop of Canterbury, for himself and others, refused to swear to them, but offered to do what they could towards their Observance. Upon this the King charged the faid Archbishop, with the rest, on their Allegiance, to take the Oath, which accordingly they did; and further, the King caused all the Officers of his Houshold, and of all his Courts of Justice, to be fworn to fulfil the faid Oath. The Articles were these: Articles for the

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King's Councile

I. 'That worthy Counsellors and Officers be ap-Regulation of pointed, and not to be removed without good Proof the Government, presented by the of their ill Management.

II. 'That no due Grants be stayed at the Great or sweat to by the

Privy Seal.

III. 'That none about the King's Person do pursue any Suit or Quarrel, by any other Means than by

Order of the Common Law.

IV. 'That no Officer be appointed by any Mediation contrary to the Laws.

V. 'That Order be taken for the Governance of the

6 King's House, Chamber, and Wardrobe.

VI. 'That the Revenues and Profits of the Crown

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King Henry IV. 4 and Realm be employed towards the Charges next aforefaid.

VII. 'That no Person, under a Penalty, do receive, or take by Way of Gift, any of the Profits asoresaid. VIII. 'That two certain Days in the Week be ap-

pointed for all Suitors to exhibit their Petitions to the

King; and that some Persons may be also appoint-

ed to receive and give Answers to the same.

IX. 'That no Man, whatsoever, do preser any Bill or Suit to the King on any other Days.

X. 'That none of the Council hold Pleas of any

Matter determinable at Common Law.

XI. 'That all Statutes touching Buyers and Purvey-

ors may be executed.

XII. That no one of the King's Council shall give Encouragement to any Suitor, before Determination had in full Council.

XIII. 'That no Matters of Council may be dispatch-

ed, but by full Affent, unless the same require great Haste; in which Cases Word shall be sent to such

Counsellors as are absent, to the End that their Advice

may be known.

The XIV, XV, XVI, XVII, XVIII, and XIX Articles, ordain, 'That none of the King's higher Officers, or other Under-Officers, or Clerks, of any of

his Courts, or of his Houshold, shall take any but

• their accustomed Fees, and appoint any Minister under • them to do the same.

YY 6 That the O

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XX. That the Queen do pay for her Journey to the King's Houses, as Queen Philippa lately did.

XXI. That none of the Officers of the Marshalseas of the King's House, or Clerk of the Market, do hold any Plea otherwise than in the Time of Edward the First.

XXII. 'That all the Sheriffs before the Election of Knights of the Shire, shall, by open Proclamation in their several Counties, give fifteen Days Respite to

f the Time and Place.

XXIII. 'That all the King's Great Officers of every Court, and of his Houshold, shall maintain the Com-

XXIV. 'That all Foreigners who are not Denizens to make Fines, by a Day, with the King.

XXV. 'That the Steward of the King's House, with King Henry IV.

the Treasurer, have sull Power to discharge the Serieants and other Officers for their Missemeanors.

XXVI. 'That the faid Officers, and Chamberlain of the Houshold, do execute their Trusts according to

the Statutes of the King's House.

* fler within the King's House, or in any of his Courts,

enjoy any of the said Offices, but at Will.

XXVIII. 'That all the Chief Officers of the King's 'House and Courts do make, yearly, strict Inquiries of all Missemeanors and Misserilions done under them, and make Report thereof to the King's Council.

XXIX. 'That the Array of the special Affize challenged be tried, at large, as in general Affizes; and that the Sheriff do take nothing for any Pannel between Party and Party. Lastly, That all the Articles aforefaid shall only continue to the End of the next Parlia-

f ment,

Whoever confiders well the foregoing Articles, deliver'd by the Speaker, will find that there is scarce a trifling one amongst them; which evidently shews, that the Commons of England were neither Fools nor Knaves in those Days. Nor was the King less obliging and condescending, on his Part, than the Commons had been resolute and presumptive on theirs; not only fuffering the faid Articles, which struck sufficiently at his Prerogative, to pass into a Law, though but a temporary one; but also compelling the Archbishop, with the rest of the Council, &c. to swear to the Observance Which also, demonstrates that, whatever indirect Steps Henry took to acquire the Diadem, he was resolved to keep it; and is a strong Instance that the best Laws for the Subject have been often gained under the weakest Titles of our Kings.

It is remarked, that as the King's Defign in this Parliament was to demand Money, he readily gave his Assent to secure the Freedom of Elections; by which, it is evident that the King had done something in the Elections for the last Parliament, tending to County Elections abridge the Liberty of Voting n. This Act is still extinus.

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tant

n Rapin, Fel. Edit. p. 498.

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King Henry IV. tant on the Rolls and in our Statute-Books, by which it was enacted, ' That, at the next County-Court after 6 the Delivery of the Writ of Parliament, all there prefent, as well Suitors summoned for the same Cause, as others, shall attend to the Election of the Knights for the Parliament, and in the full County they shall proceed to Election freely and indifferently, notwithstanding any Request or Commandment to the contrary. And, after they are chosen, their Names shall be written in an Indenture, under the Seals of all those that did chuse them, and tacked to the Writ of Parliament: which Indenture shall be holden for the Sheriff's Return of the said Writ o.' This Method seems, with fome little Variation, to be the Manner of chusing at this Time.

> There are many more Petitions, Answers, &c. in the Proceedings of this Parliament; which, because they are on lesser Affairs, or private Property, are omitted. It is observable, however, how anxious the Commons were that all these Matters should be carefully recorded; for, at their own Request, it was enacted, that certain Members of their House should be present at the engros-

fing the Roll of this Parliament.

Ample Grants made by the TIBETOT, the Speaker,

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The King, to shew his Generosity and Gratitude to King to Sir John Sir John Tibetot, the young Speaker of the House of Commons, granted to him, in Fee, all the Lands and Hereditaments of Richard ap Griffith ap Voethus, in the Counties of Carmarthen and Cardigan, and elsewhere, in the Principality of South Wales, forfeited to the King by his being an Adherent to Owen Glendour, Rebel and Traitor; and also the Office of Keeper of the Forests of Waybridge and Sapley, in the County of Huntingdon, without any Fee or Out-Payment. And, further, the King gave to the faid Sir John the Goods and Chattels of Peter Priswick, Carpenter, a Felon, amounting to one hundred and fifty Pounds; all which must be allowed a truly Royal Donation P.

Mr. Prynne makes an Observation again, at the End of this last Session of Parliament, to this Purpose, . That the Commons' young Speaker took more upon him, and spoke more boldly and fervently to the King and Lords.

O Statutes at large, An. 7 Henry IV. cap. xv. P He was afterwards made Earl of Worcester. Dugdale's Baronage.

Lords, than any Speaker had done before him. Which King Henry IV. 'Innovation, beginning to grow in Fashion, the King and Lords thought proper, in a succeeding Parliament. to put a Check upon, as a Novelty inconsistent with the King's Prerogative: That the Speakers afterwards became more modest, and did not say any Thing that was displeasing to the King; or, if they casually did, to pray that it might be imputed, only, to their own Ig-norance, and not unto the Commons. It is further remarkable, that this is the longest Parliament we have yet met with; for, though it is not faid when it was diffolved, because the latter End of the original Roll is much defaced, yet we may well suppose, by the three Prorogations, that it continued near a Year; which was an Innovation, in the antient Constitution, taken Notice of by feveral Historians as a great Blot in this Reign. Holling shead, in particular, says, That the long Conunuance of this Parliament was a great Loss and Damage to the Commonalty; for the Expences of their Representatives was, almost, equal, in Value, to the Sum that was demanded for the Subfidy q.

At the End of the Roll of this Parliament is inserted. at Length, all the Placita Coronæ, or Pleadings of the Crown, against Henry Earl of Northumberland, and .Thomas Lord Bardolf, for High Treason, in levying War against the King, &c. contained in fifteen Articles; and for which they were adjudged, by this present Parliament, as Traitors, to be drawn, hang'd, and beheaded. at the Discretion of the King, and to forfeit all their Lands, Castles. Lordships, &c. to him and his Heirs It was not long after this Sentence that the Forfeiture came to the King; for this very Year the Earl of Northumberland, raising Forces, entered Yorkshire, but wasoverthrown by the High Sheriff of that County, and himself, with Lord Bardolf, slain.-Thus the Father, Son, and Brother of that Noble Family fell by that Power they themselves had so unjustly raised to Sovereignty.

On the 20th of October, in the succeeding Year, another Parliament met, by Summons, at Gloucester; but, upon calling over the House of Commons, several Defaulters being found, it was put off for four Days longer.

9 Holling Spead's Gbron. 531.

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The Parliamentary HISTORY

King Henry IV. Jonger. On that Day the Archbishop of Canterbury.

Arundel, still Lord-Chancellor, opened the Session and the Cause of the Meeting, with a Speech, and took this Text for his Subject, Regem honorificate.

Anno Regni 9. 1407. At Gloucefter,

In which he endeavoured to prove, 'That, for three especial Causes, the King ought to be honoured. First,

For that the King, by maintaining the Liberty of Holy Church, honoured God, and therefore ought himself to be honoured. Secondly, He ought to be

honoured for his great Care towards his Subjects, as well in the Observation of the Laws, as in his Defence

of them against Foreign Enemies. And, Tbirdly, Be-

cause that, ever fince his Coronation, he had shewn

Favour and Pardon to all that asked them. And added, that, as in Necessity, every Member of Man's

Body would feek Comfort from the Head, as the

Chief; so he applied it to the honouring of the King, who was the Head of the Constitution. He defired

4 the House of Commons to meet, in the Refectory of

the Abbey of Gloucefter, and choose a Speaker that Afternoon, and present him the next Day to the King:

4 And, lastly, He required them all to consider on proper

Means to end the Rebellion in Wales; to take Care for

* the safe guarding of the Sea; for defending of Guienne,

Calais, and Ireland, and the Northern Marches; and how, by their Aid, the same might be best accom-

• plished.

The Chancellor having finished his Harangue, the Receivers and Triers of Petitions were constituted; and the next Day the Commons presented Sir Thomas Chau-CHAUCER cho-cer' for their Speaker; who, after Excuse for himself and Confirmation, made the common Protestation, which was granted. They were then ordered to meet every Morning, in the Place aforesaid, at Eight o'Clock,

for the speedier Dispatch of Business.

It was not till the 9th of November that the Commons came again before the King; where the faid Speaker repeated his former Protestation, and began to rehearse the Grant of the last Subsidies, and the Oaths of the Lords, and others, for the Disposition of the same. But the Chancellor interrupted him, and faid, That no Accounts were yet made for the Disbursements of the

F Son to that famous English Poet, Geoffry Chauser. Store, p. 326,

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Sir THOMAS ien Speaker. fame to the Commons; and that the Lords, having King Heavy IV. little Thanks for the last, would by no Means take [108] the like Oath again; which the King, at his Request, excused them from 2. Then the said Speaker made great Complaints against Purveyors; to which the Steward and Treasurer of the King's House answered, 4 That the same should be remedied.

November 14. Upon the Coming of the Commons before the King and Lords, the Speaker told them of His Complaint of the great Disadvantage the Nation suffered by not Grievances. guarding the Sea; and that those who had Lands on the Marches of Wales never dwelled thereon; of which he desired that due Consideration might be taken, which was promised: And that certain Lords, by Name, might be appointed to confer with the Commons on these and other Matters. At the Request of the Merchants, made last Parliament, the King granted to Richard Cliderhowe, late Admiral of the South and West Seas, the Allowance of 2668 1. which was due to him. The Commons prayed that this might be paid out of the first Money arising from the last Subsidy, and that he be discharged of all Accounts.

On the 2d of December, which was the last Day of The Commons this Parliament, the Speaker defired the King to give return Thanks public Thanks to the Prince of Wales, for his great his Conduct in Fatigue and good Conduct in Wales; for which both Wales. the King and the Prince returned back their Compliments to the Commons. After which the Prince, kneeling before the King, cleared the Duke of York from disloyal Reports spread against him, and, in open Parliament, averred him to be a true and loyal Knight. At the same Time, the Speaker moved the King to advance his Sons the Lords Thomas, John, and Humphrey, to some honourable Titles and Fortunes.

The Lords and Commons on the same Day granted A Subfidy to the King one entire Fifteenth and Tenth, and one granted.

half

* See before, p. 103, 104.

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t These were the Archbishop of Canterbury, the Bishops of Winchester and Durbam, the Duke of York, the Earl of Somerset, the Lords Ross and Burnel. Record.

u The Prince, having the Command of an Army in Wales, had gained two Victories there; in the latter of which the Son of Owen Glandows was taken Prisoner, Rapin, Fol. Edit. p. 496.

King Heavy IV. half Fifteenth and Tenth, with the like Subfidy for Staple and other Merchandizes, as was granted in the last Parliament, for two Years. And, in Consideration of the Subfidies aforesaid, the King promised that, for two Years next ensuing, he would require no other [109]

Subfidies or Charge on his Subjects; and, for more Assurance thereof, defired that this might pass into an Act, and that every Member might have a Copy of it. It feems, by the Record, that the Lords and Com-

mons did not agree fo well, as formerly, in this Parliament; for a Difference that happened between the two Houses about granting the Subsidy, gave Rife to the

following Ordinance, viz.

Debates to the King.

'That in all future Parliaments, in the Absence of An Order to pre- the King, it should be lawful as well to the Lords by from communi- themselves, as to the Commons by themselves, to eating the Com- debate of all Matters relating to the Realm, and of the Means to redress them, without disclosing the fame to the King before a Determination made theresof, and that to be done only by the Mouth of the Speaker.' Which Ordinance was made, because Part of the aforesaid Displeasure arose on Account of the Lords making the King, feveral Times, privy to their -Debates on the Sublidy, and brought Messages from him; which the Commons faid was absolutely against their Liberties.

> On the faid last Day of this Parliament, the Speaker required, that the Commons might depart with as great Liberty as they had done heretofore; and again recommended it to the King and Lords, that sufficient Means might be taken for guarding the Seas, and resisting the Wellb Rebels *.

According to the King's Promise in the last, it was Aano Regni, 11. 1410. not till two Years after that another Parliament was At Wesminster. called, which was to meet at Westminster on the Quindene of St. Hilary, or January the 27th, 1410. When the Bishop of Winchester, the King's Half-Brother, there being then no Chancellor, declared the Cause of the Summons to be for the Preservation of the Church's

^{*} Some more Strokes were made at the Court of Rome this Parliament, on the Score of Provisions, &c. Statutes at large, An. 9 Heary IV. cap. viii.

Liberties, &c. and then took for his Subject, Decet nos King Henry IV. implere omnem Justitiam, on which he discanted to this [110]

Purport:

'That this Parliament was summoned for two Causes: 'The first, For the inward Governance of the Realm, as in the due Observance of the Laws. The second, For outward Governance, as in a proper Defence against a Foreign Enemy; and in this he touched upon the Duke of Burgundy, then Governor of France; who, he 'faid, meant to beliege Calais with a great Army, and 'then to conquer this Kingdom.'

He told them, amongst other Matters, 'That there were two Kinds of Government, the Jus Regimiinis, and Jus Subjectionis; allowing the first to be better, according to the Answer of Aristotle to King 'Alexander; who, being asked in what Manner the faid King might strongest fortify the Walls of a new Fortress, or Frontier Town, which he had built, answered, That the strongest Walls were the hearty Good-Will of his Subjects, and Obedience to the 'Laws.'

He faid, 'That all true Subjects owe to their Sovereign three chief Points, viz. Honour and Obedience, Reverence and Benevolence, and hearty Affistance. And, because the present Necessity required ready Affistance, and speedy Dispatch, the King had 'called this Assembly for a full Consultation; which he wished might redound to the Glory of God, the 'Honour of the King, and the Safety of the whole Realm. For which good End he willed the Commons to go to an Election of their Speaker, and prefent him the next Day to the King.

On the 28th of January, the Commons presented Sir Thomas Sir Thomas Chaucer, again, for their Speaker, who, Chaucer again, making the common Protestation the King by his chosen Speaker. making the common Protestation, the King, by his own Mouth, allowed of it; but added, 'That fince now

the Lords and Commons were come to an Agreement, he expected that they, the Commons, would speak

'no unbecoming Words, or attempt any Thing that

was not confistent with Decency.

Feb. the 7th, at the Request of the Commons the Affizes were prorogued, by the King, during the Sitting of Parliament. But nothing more is faid of their Pro-

King Henry IV. Proceedings 'till the 15th of March; which, being at that Time in Palm Sunday Week, at the Defire of the Commons, the Parliament was adjourned to the Quin-

dene of Easter next following.

At that Day, being April the 7th, the Parliament reassembled, when the King granted, That certain of the most learned Bishops and worthy Lords should be asfigned to be of his Council; and that they and all the Judges should be sworn to give good Counsel and upright Judgment.

Several Acts curity of the Kingdom.

On the 24th Day of April the Commons came bepassed for the Se- fore the King in Parliament, and presented divers Petitions for the good Governance of the Realm; which. with their Answers, are much too long to insert.

Tenor of some were to this Purport:

'That all such as had Castles and Towns in the Marches of Scotland, should furnish them with Necesfaries, and keep Guard there in proper Person. The same Order was taken for the Castles and Towns in Wales. Also that the Revenues of the King's Dominions beyond Sea should, for three Years, be employed on the Soldiers there; and that no Officer there, who is immediately accountable to the King, shall enjoy the

fame during Life.

That three Parts of the Subfidy on Woolls shall be employed upon the Defence of Calais, the Castle there. the new Tower on Rochbank, and on the Marches of Calais, and for the Payment of certain Debts there. That fuch Subfidies as should be granted this Parliament should be employed according to the Grant, and not And that all Foreigners, who are come into otherwise. the Realm, except Merchants, shall make Protestation to live and die in the King's Quarrel, shall serve in the Wars if they are able, and shall not be lodged but in Englishmen's Houses. Also, that none of them shall be Brokers; and that no Broker shall be a Merchant to his own Use, &c.

The great Re-Prince of Wales.

On the 2d of May, upon the earnest Request of the spect paid by Par-Commons, such Lords as were before appointed to be liament to Henry of the King's Council were again declared; all of whom, with the Judges, were then sworn to do Justice, except the Princes of Wales; who, for his high and ex-

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cellent Quality n, as is there expressed, was excused that King Heavy IV.

Ceremony.

The Reader may observe, that there are several Pasfages, in the Course of these Proceedings, which evidently shew what Respect the Commons, in Parliament, paid to this Prince of Wales at that Time. This does not, by any Means, fuit with the light Character which most Historians have given of this Prince in his younger And if he had been guilty of those Levities he is accused of, he would not have had, we may well suppose, so many Compliments paid him; nor have been made President of the Council, as he certainly then was: For, in an Ordinance made this Parliament, where, if any of the King's Chief Officers or Judges shall take any Bribe or Reward, he shall forfeit treble the Value to the King, it is wrote on the Margin of the Roll, Respectuatur per Dominum Principem et Constium. is therefore still more evident by this, what some Hiflorians remark, That it was the King's Jealousy of his Son's growing Greatness and Popularity, and his Neglect of him for that Reason, which threw the Prince on the dissolute Courses which are laid to his Charge.

In this Parliament there was some Relaxation demanded of the late severe Act against the Lollards and Heretics'; for now it was requested by the Commons,

6 That all fuch Persons as should be arrested by Force of The Commons the Statute made against Lollardy, in the second Year praya Mitigation of this Reign, may be bailed, and freely purge them-of the Act against felves of it; that they be arrested by no others than

the Sheriffs, or fuch like Officers; and that no Havock

be made of their Goods.

Answer. The King will be advised; which is a Denial.——Thus far the Record.

But a modern Author relates, That, on passing the Act for regulating. Elections, the Commons were encouraged, before they granted an Aid, to renew their former Instances in regard to the Clergy. Wickliffe's. Doctrine had gained fo much Ground, that the Majority of the House of Commons were then in that Way of thinking; and, thus biaffed, they presented two Petitions to the King, one against the Clergy, and the. other in Favour of the Lollards. In the first they set

A Cause del bautesse et excellence de son bonarable Persone, &c. Record.



King Henry IV. forth, & That the Clergy made an ill Use of their Riches.

and confumed their Incomes in a very different Manoner from the Intent of the Donors: That their Re-[113]

e venues were excessive, and consequently it was neces-And renew their & fary to lessen them: That so many Estates might easily be taken from them as would ferve to provide for 150

Project for reducing the Revenues of the Clergy:

Earls, at the Rate of 3000 Marks yearly each; 1500 Barons, at 100 Marks each; 6200 Knights, at 40

Marks; and 100 Hospitals, at as many Marks yearly

for each Hospital: That, by these Means, the Kingdom's Safety would be better provided for, the Poor

better maintained, and the Clergy more attached to

c their Duty x.'

This is Monf. Rapin's Account of the Contents of this Bill; but could so learned and judicious an Author ever suppose that such a Number of Earls, Barons, and Knights, were likely to be supported at such a Calculation, provided that the Commons were willing to raise fo many new Lords and Masters amongst them? His Marginal Note refers you to Walfingham for his Authority; but, unfortunately for him, that very Authority contradicts it, and shews him, if not an ignorant, at least a careless or an unfair Translator. Walfingham's Account of the Contents of the Bill, which the Commons now exhibited against the Clergy, is this, 'That * Temporalities, disordinately wasted by Men of the Church, might well suffice to find the King with 15 Earls, 1500 Knights, 6200 Esquires, and 100 Almshouses, for the Relief of poor People, more than there

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E Cent-cinquant Comtes, a 3000 Marcs chacun par Annee, quinne-cens Barons, a 100 Marcs chacun, 6200 Chevaliers, a 40 Marcs, & 100 Ha-Spitaun, a 100 Marcs. Rapin, Edit. Auft. Tom. III. p. 407.

were then in England v. That every Earl should have

of yearly Rent, 3000 Marks; every Knight 100 Marks

y The Form of the Petition, or Remonstrance, in Walfingham, made by the House of Commons to the King and Lords, runs in these Words,

Excellentissimo Domino nostro Regi et omnibus Proceribus, in præsenti Parliamento constitutis, omnes Communes sideles demonstrant bumiliter, dicentes veraciter, quod Dominus nosser Rest potest babere de Bonis Temporalibus, per Episcopos et Abbates, ac Priores, occupatis ac superbe wastatis in Regno, quindecim Comites, mille quingentos Milites, sex mille ducentos Armigeros, et centum Xenodochia plura quam sunt, bene et sideliter sustentata, de Terris et Tenementis, nune inutiliter et superbe wastatis.

The succeeding Account of the several Stipends, Sc. is given by our

older Chronicles, and is taken from an antient MS History of these Times.

under the Title of Titus Livius.

and 4 Plough-Lands; every Efquire 40 Marks and 2 King Henry IV.

Plough-Lands; and every Alms-house 100 Marks: and be overlook'd by two true Secular Priests to each House. And, over and above all these, the King 'might put yearly, into his own Coffers, 20,000 %. Provided also, that every Township should maintain their own Poor that could not labour; on Condition. that if any was overburdened with them, then the faid Townships to be relieved by the Alms-houses aforesaid. And, for to bear the Charges of all these Things, the Commons affirmed, in their Bill, that the Temporalities, then in the Possession of Spiritual 'Men, amounted to 322,000 Marks, yearly Rent.' The Commons also alledged, 'That, over and above the faid Sum of 322,000 Marks, several Houses of Religion in England possessed as many Temporalities as might suffice to find 15,000 Priests; every Priest to be allowed, for his Stipend, seven Marks a Year.'

This is a genuine Account, from antient Historians, of this extraordinary Attack on the Clergy in those Days, though nothing of it is to be found on the Rolls of Parliament; the Bill was said to be brought into the House by Sir John Oldcassle, Lord Cobham; which drew upon him the Hatred of that vast Body of Men, and

terminated at last in his own Destruction.

The fecond Petition is mentioned in the Record, wherein the Commons prayed, That the Statute passed against the Lollards, in the second Year of this Reign, might be repealed; or, at least, qualified with some Restrictions.

Mr. Rapin here again makes this Reflection on these two Petitions; 'That if the Parliament which first moved the lessening the Clergy's Revenues was called the Unlearned, it may well be supposed that this met with no better Treatment. The Name of Lollard and Heretic was plentifully bestowed; and the Clergy considered these Petitions as tending to undermine all Religion. This was industriously infinuated to the King, with all the Aggravation which Parties concerned are capable of displaying on such an Occafion. It is hard to know, says our Author, whether the King himself was of this Mind; but, however, he openly declared, that he had the Interest of the Church

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King Henry IV. 6 Church no less at Heart than the Clergy themselves.

And, being now very easy from his Enemies, both at

Home and Abroad, he had no Mind to provoke fo great and dangerous a Body against him: For this

Reason he rebuked the Commons very sharply, and

King refuses to comply with

Both which the faid, That he neither could nor would confent to their Petitions, and expressy forbad them to meddle any more

with the Church's Cancerns. As for the Lollards, he added, that, far from permitting the Statute against

them to be repealed, he wished it more rigorous, for the

futter Extirpation of Herely out of the Land 2.

The Commons, as is faid, being baulked again in their Expectations in these higher Matters, contented themselves with petitioning that Clerks, when convicted, might be put into the King's Prisons, or those of the Temporal Lords; alledging, for Reason, that Clerks, by those Means, frequently escaped the Punishment they deserved 2. This Point had been often attempted by the Laity against the Clergy; particularly, as high as the Reign of King Henry II. when that Prince, and all the Peers of the Realm, maintained this Point fo stoutly against Archbishop Becket and Pope Alexander III. But our Henry, fearing to be exposed to the same Troubles his Predecessor had been, refused also to give his Assent to this Bill; and, to shew the Commons how far he was from giving any Countenance to these Proceedings, he figned a Warrant for the burning of one Thomas Badby, who had been before convicted of Herefy b.

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The This King had been long suspected, even before he came to the Crown, to be as great a Favourer of Wickliffe's Doctrine as his Father was before him. Fabian and Holling Bead both write, that, in Sir Jahn Bagu's Examination before the Council, very foon after the late Revolution, he declared that he heard King Richard say, 'That he knew the Duke of Hereford, if he was once King, would prove a bitter and cruel

Enemy to the Church. Holling shead, p. 511, Biondi, 49.
The Abbot of Westminster also, in his Speech to the Lords engaged in the Conspiracy against Henry, in the first Year of his Reign, urged, ' That the heard him once fay, when Duke of Lancaster, That Princes had too little, and the Religious too much; and therefore he supposed he would be no Friend to the Church, if he continued long in that Dignity.

Grafton's Chronicle, p. 409.

a Walfingham's Words are, Ut Clerici convitti de cetero non traderentur Ergastulis Episcoporum, sed Carceribus regiis et temporalium Domino-

rum. p. 379.
b The Writ to the Sheriffs of London, De Hæretico combusendo, for burning this Thomas Badby, is in Fed. Ang. Tom. VIII. p. 627.

The Commons considered this Execution as an In-King Heary IV. fult, and great Aggravation of the King's other Refusals; And suffers a and accordingly, when Henry demanded a Power to Lollard to be levy every Year a certain Subsidy, which was a Tenth burnt; from the Clergy, and a Fisteenth from the Laity, without the Meeting of a Parliament, this Demand was boldly rejected. The Commons would have even refused the Supply for his necessary Occasions, if he had not which the Comforced them to it, by prolonging the Session 'till he got mons resent. his Defire.

The Reader will find here much more Matter relating to the Proceedings of this Parliament, than the Records have given us; it must therefore rest on the Credit of the contemporary Historians before mentioned. By these it plainly appears, that *Henry* had as despotic Principles as his Predecessor, when he durst to show them.

A Matter of more private Concern came also before this Parliament; which, fince it bears Respect to an antient and Noble Family, which we shall have great Occasion to mention in the Sequel of this Work, we cannot omit the Account of it from the Record itself.

The Petition of Richard de Hastings sheweth, That Ralph de Hastings, his Brother, who was attainted and beheaded for High Treason, in the fixth Year of this King, died without Issue; and prayeth to be restored, as well to his Blood, as to all such Lands as the said Ralph had at the Time of his Death, without any surther Suit. Which Petition, by the Assent of the

whole Parliament, was granted.

Another Article worth Notice, is, That Sir Thomas Chaucer, Speaker to this Parliament, was at that Time a Placeman, being Chief Butler to the King, and preferred a Petition to him, this Parliament, against the Citizens of London, for defrauding the King in his Prizage of Wines, by making Aliens free of their City, and thereby exempting them from paying the advanced Duty upon them as they ought to do. The King answered, That he would send for the Mayor and Aldermen of London, and charge them that they should grant no

c He was beheaded for an Insurrection at York, An. 1405, with the Archbishop, and Themas Mowbray, Earl Marshal.

King Henry IV. fuch Franchize to any, but those who were actually refident and dwelling in the said City.

Alterations in the Council at their Request.

A Subfidy granted.

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On the 9th Day of May, and the last of this Parliament, the Speaker of the Commons required the certain Knowledge of the Names of those Lords who were to be of the Privy Council; whereupon two of them were changed. They then, with the Assent of the Bishops and Lords, granted the King the like Subsidy as in the 9th of this Reign, with the same Tonnage and Poundage, so as express Mention should be made in the Grant, that it was provided of their own good Wills; whereof they gave twenty thousand Marks to the King, to dispose of at his Pleasure. After which the Speaker recommended to the King the Persons of the Queen, the Prince, the Lords Thomas, John, and Humphrey, the King's Sons, and prayed their Advancement; for which the King thanked them, and promised Satisfaction in

this Matter at a proper Opportunity d.

Before the Meeting of this last Parliament King Henry found himself more at Ease in his Government than ever he had been yet. France, which had hitherto been a terrible Thorn in his Heel, was now itself torn in Pieces by a Civil War between the two Houses of Orleans and Burgundy. This also occasioned Scotland and Wales, fince they could now receive no farther Asfistance from France, to agree to a Truce with England. All Henry's inborn Enemies were almost totally destroyed; and having nothing to fear, either at home or abroad, he became more absolute than ever. Reader may observe, that, at the Head of this Session, when the Speaker of the House of Commons made the usual Protestation, the King took more upon him than formerly, by prohibiting the Speaker from using any indecent Expressions; that is, we suppose, from saying or doing any Thing that might give him Offence. We shall here again beg Leave to give a remarkable Paragraph in Rapin's History, containing some Resections on the Means Henry used to pack this Parliament; and as that Author does not quote his Authority, we shall rest it singly on his own; but it is Matter of some Won-

d Prince Thomas, his second Son, was accordingly created Duke of Clarence.

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der that such Expressions should slow from the Pen of King Henry IV. this Historian.

'Though Henry, fays he, had caused Richard to be deposed for usurping an arbitrary Power contrary to the Laws, yet he himself plainly shewed, by certain Proceedings, he would have been glad to govern with an absolute Authority: This chiefly appeared in the Elections of Members of Parliament. By the Directions of the Court, certain Artifices were practifed to render the Freedom of Voting of no Use, fince the Sheriffs took the Liberty to return such Representatives as had not a Majority of Votes: This is a Thing of fo fatal a Consequence, that it may be affirmed, The Liberty of the English will no longer subsist, than whilst the Privilege of freely electing their Representatives in Parliament stands inviolated: If once the Sovereign comes to chuse what Representatives he pleases, the Bounds of the Royal Authority will be in the End so enlarged, that nothing but the mere Shadow of Liberty will remain: Of this, we have feen a remarkable Instance in the Reign of Richard II. But it may farther be added, That all the Kings of England, who have enjoyed a more absolute Power than the rest, asquired it by this Way; I mean, by procuring their * Creatures to be elected. When a Parliament confifts of fuch Members, it is not the King which is charged with Encroachments on the People's Liberty, but it is the Nation itself that voluntarily runs into Slavery: And if, afterwards, they resolve to throw off their Chains, they can only fucceed by violent Means; and this, by the way, is the Spring of most of our Civil Wars so often kindled in England."

We may venture to affirm, that no Native Historian could more justly discant on the Abuse of English Parliaments than this Foreigner hath here done. And we wish we could say that this Practice hath not been used in much later Reigns than what we are now upon. Yet the Reader may well wonder what all this long Preamble was to introduce; our Author goes on and tells us, 'That the Parliament, which met in January 1400 considering the Consequences of the King's Proceedings to over-rule Elections, believed the Redress of that Abuse as the most pressing Affair: Accordingly,

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King Heary IV. 4 in the Beginning of the Session, they presented a Bill to 4 the King, by which the Sheriffs, who should be guilty

of making falle Returns, were to be fined 100 l,

Sterling for each Offence. The King would have

been glad to evade this Act; but as he could not do it without laying himself too open; besides, as he intended to demand a Subsidy, he gave it the Royal Assent.'

The only Reason Rapin gives for gaining this Statute is an ipse dixit of his own, not one single Word of it appearing on the Record. Nay, it is much more probable that the King and his Parliament agreed very well this Session; since, in the Grant of the Subsidy, they made him a singular, and very unusual, Present of

20,000 Marks to be at his own Disposal.

Another Parliament was affembled at Westminster, by Writ, the 2d of November, in the 13th and last Year of this King's Reign': At which Time, the Commons being called over, as usual, Sir Thomas Beaufort, another Half-Brother of the King's, then Chancellor, by virtue of Letters Patent there read and enrolled, began, prorogued, and continued the said Parliament for two Days longer.

Anno Regni 13.

At Westminster.

At which Time the faid Chancellor, by the King's Command, in his Presence, and in the Presence of all the Lords and Commons, declared, 'That this Parlia- ment was called for three Causes: For the good Go- vernment of the Realm, due Execution of the Laws, and the Desence of the Kingdom, with the safe Keep- ing of the Seas.' From these he argued, That to the good Governance of the Realm belonged faithful Council, without Flattery; and due Obedience, without Grudging. To the due Execution of the Laws did appertain sincere keeping of the same, and speedy Redress for Fear of Abuse. To the Desence of the Realm there needed their hearty willing Relief to the King in his Distress, with discreet and speedy Provision; for

f Sir William Dugdale places this Parliament in the 12th Year, and fays, there were no Summons in the 13th; but the Records and the Statutes

at large make it the 13th and last Year of this King.

e This is an Emendation of the Statute of 7 Heavy IV. For the better Regulation of Elections for Knights of the Shire. Hereby not only the Sheriffs were to forfeit 100 l. for every such Offence, but the Knights of Shires, so returned, were also to lose their accustomed Wages. See before, p. 82 and 105, 106.

* all which Causes they were then assembled. He add-King Henry IV. ed. 'That it was the King's Pleasure the Church, with

all Corporations and Persons, should enjoy their wont-

ed Liberties; and, for expediting these Matters, he

defired the Commons to chuse a Speaker, and present

f him the next Day.'

Accordingly the Commons prefented Sir Thomas Chaucer, once more, as their Speaker; whose Excuse not [120] being allowed, he prayed that he might speak under the Sir Thomas usual Protestation. It was granted that he might speak third Time choas others before had done, but not otherwise; and that sen Speaker. the King would have no Novelties introduced, and would enjoy his Prerogative. Upon this, the Speaker defired a Respite for three Days, to give his Answer in Writing; which was, 'That he desired no other Protestation than what other Speakers had made; and that, if he should speak any Thing to the King's Displeasing, it might be imputed to his own Ignorance only, and not to the Body of the Commons; which the King granted.

Then the Commons, by Affent of the Bishops and Lords, granted to the King the same Subsidy, as to Leather, Wooll, &c. with Tonnage and Poundage, as in the two last Parliaments; but no Tenths or Fisteenths at this Time. However, they made that Matter up by a new and an unusal Grant, That every Person, Man or Woman, possessed of Twenty Pounds by the Year, above all Charges, shall pay Six Shillings and Eightpence, except Lands purchased in Mortmain, before the 20th of Edward I. and Lands purchased in Frank A Subsidy with

Almoigne, fince the faid 20th Year. This is the first the Land-Tax. Tax upon Land that we have yet met with; but it was given with this Proviso, That no Knights of Shires, Citizens, or Burgesses of this present Parliament, should be either Collectors, Assessor, Controllers, or Commissioners, to collect, receive, or raise the said Tax; and that it should not be made a Precedent in Time to come.

On the last Day of November, the Speaker, in the Name of the Commons, prayed the King to give Thanks to the Prince, and others appointed to be of the King's Council, in the last Parliament, for well

2 Gar il ne verroit aucunement avoir nulle Manere de Novellerte en cest present Pariement, &c., Record.

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employ-

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King Heavy IV. employing the Treasure then granted; which his Majesty did accordingly.

It was enacted, 'That the Mint-Master within the An Act for regu- a Tower of London, and other Minters within the lating the Coin. King's Grant, may coin, of every Pound of Gold of

the Tower-Weight, Fifty Nobles; and of the same

Weight of Silver, Thirty Shillings Sterling, during two Years; provided that the faid Gold and Silver

be of as good Allay as the old Coin was .

About this Time the current Coin of the Nation was much debased by Foreign Money being added to it a whereupon a Law was made, this Parliamenr, for prohibiting a certain bad Coin, called Galley-Half-Pence, to pass current, as also all Foreign Money, as well of Scotland as other Nations. An Historian writes. That though the King had no Tax granted this Parliament, (we suppose he means no Tenths nor Fisteenths) yet he fo well managed the Business of the Coinage, that he raised as good a Fund by it; for, partly by seizing the forfeited Money, and partly by coining new Nobles, which he made a Groat lighter than the old, he much enriched his own Treasury f.

A Church Affair of some Consequence came also before this Parliament; Thomas, Archbishop of Canterbury, by a long Instrument in Latin, shewed, That, in the Time of Richard II. the University of Oxford had purchased a Bull to be clearly exempt from the Visitation of the said Archbishop, to the End that they might better support Heretics and Lollards; and that the faid King Richard took Order that they should still be subject to the said Archbishop's Visitation, notwithstanding the said Bull: Yet, he added, that, in this King's Time, he had been disturbed in his Visitation aforesaid by Richard Courtney, the Chancellor, Bennet Brett and John Birch, the Proctors of the said University; and that, by their Submission to the King's Order, it was by him, in Chancery, decreed, That the whole University aforesaid, and all Orders, Persons, and Faculties in the same, should be fully subject to the Visitation of the said Archbishop and his Successors, and to his and their Officers. And that as often as the faid Archbishop, or his Successors, or his

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e Statutes at large, An. 13 Henry IV. Cap. vi. Rot, Paris f Daniel in Kennet, p. 301.

or their Officers, should be interrupted by the said King Henry IV. Chancellor, their Liberties should be seized into the King's Hands, untill the faid Archbishop was restored to his Right. And, further, for every Time of such The Archbishop

Interruption, the faid Chancellor, or other Officer of Ganterbury's the University, should be bound to pay to the King the University of One thousand Pounds.

Oxford, confirmne thousand Pounds.

All these Articles and Orders, at the Request of the notwithstanding faid Archbishop, were confirmed by the whole Assent the Pope's Bull of Parliament. On all which Mr. Prynne makes this of Exemption. Remark, 'That hence it most manifestly appears, that,

even in those Days, the Prerogatives of our Princes

were nothing subject to the Pope's Supremacy; for,

otherwise, this Archbishop, the Pope's adopted and Foster-Son, would not have so slighted the Pope's Bulls.

which he plainly took for mere Bells and Baubles s.

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On the 20th of December, which was the last Day of this Parliament, the Lords and Commons, by their joint Petition, seemed to lament, that a Report was spread, that the King was offended with some, in both Houses, for Matters done in the last Parliament; and they defired that the King would embrace and esteem them as his loyal Subjects; which Request he, out of meer Grace, granted. Then the Speaker again recommended to the King the Persons of the Queen, the Prince, and the rest of the King's Sons, praying the Advancement of their Estates; for which his Majesty seturned them his hearty Thanks. And, after the more private Petitions of the Commons were answered, the Chancellor, by the King's Command, gave Thanks to the Three Estates of the Realm, and dissolved this Parliament h.

But we must not omit to mention that a Statute was Act agains passed in this Parliament against Riots and other public Riots.

Z Prynne's Abridgement, p. 480. h Sir John Thompson, afterwards Earl of Haversham, hath observed, in his Preface to the Memoirs of the Earl of Anglesia, 'That, from the first of Edward 111. 1327, to the 14th of Henry IV. that is, in the Space of 85 Years, there are extant 72 original Writs for the Summons of Parliaments; so that, allowing 40 Days from the Tests of the Writs to the Returns, 2nd but one Month for the Sitting of Parliaments, there will not be a Year's Interval between the Diffolution of one Parliament and the Summoning of another.' And there are two Laws now in Force for the annual Meeting of the King in Parliament, viz. the 4th and 36th of Edward III.

King Henry IV. Affemblies: whereby it was enacted, 'That all Justices of Peace should have a very strict Eye upon the Subject, to prevent all riotous Meetings, and Sheriff's to be as watchful to suppress them; which, if they e neglected, they should each of them forfeit 100 %. for every fuch Offence i.' By which, adds the Historian before quoted, it seems that King Richard's Ghost haunted this King to his dying Day; that the People were never thoroughly satisfied, but disturbed his Peace, on every Occasion, by Riots and Tumults k. A general Par-However we find, in the Public Acts, a general Pardon,

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or Act of Grace, not mentioned in the Records, which must have passed in this Session of Parliament, though it is dated December 22, or two Days after the Dissolution of it. The King's Writ, or Proclamation of the Act, was fent to all the Sheriffs in England; and there are but two Exceptions, viz. Owen Glendour and Tho-

mas de Trumpyngton, with their Adherents, included 1. This seems to be a very seasonable Act of Grace, both for the King and his Subjects; fince, as he shewed Mercy to them, he had the better Title to expect it himself from the King of Kings, before whom he was shortly to appear; for, very soon after, Henry was feized with a Distemper, which, in three Months Time, brought him to his End; dying March the 20th, 1413, in the 46th Year of his Age, and the 14th of his Reign m.

The Death of Henry IV.

> An Abstract from the Speech that Shakespear makes this King Henry give to his Son the Prince of Wales, on. his Death-Bed, by way of Advice to him, may not improperly conclude this Reign.

KING. Come hither, Harry, fit thou on my Bed, And hear, I think, the very latest Counsel That ever I shall breathe. Heav'n knows, my Son, By what Bye-Paths and indirect crook'd Ways

I met

1 Statutes at large, Anno 13 Henry IV. cap. vii.

k Daniel in Kennet, p. 301. 1 Feed Ang. Tom. VIII. p. 711.

m Most of our old Chronicles will have it, that Henry died before the last Parliament was dissolved. But few of them agree in the Distemper that caused it; some say, that he died of an Apoplexy, and Polydore Vergil will have it, that it was an incurable Disease, inflicted for his Usurpation, and fays, Subito Morbo tentatus, nulla Medicina Sublevari potuit. Lib. XXI. p. 438,

I met this Crown; and I myself know well How troublesome it sat upon my Head.

King Henry IV

But as an Honour snatched with boist rous Hand,
And I had many living to upbraid
My Gain of it by their Assistance;
Which daily grew to Quarrel and to Bloodshed.—
Therefore, my Harry,

Be it thy Course to busy giddy Minds
With Foreign Quarrels; that Assion, bence,
born out.

May waste the Memory of former Days.

More would I say, but my Lungs are wasted so,
That Strength of Speech is utterly deny'd me.
How I came by the Crown, O God, forgive!
And grant it may with Thee in true Peace live.

TAXES in the Reign of King HENRY IV.

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N his first Year there was granted to him 50 s. on every Sack of Wooll from Denizens; and Three Pounds from Aliens for three Years: Also a Tenth and a Fisteenth.

In his second Year, a Subsidy was granted of one Tenth, and one Fifteenth; Two Shillings on every Ton of Wine, and Eight-Pence in the Pound on Merchandize.

In his fourth Year there was granted to the King, the usual Subsidy on Woolls, Wooll-Fells, and Skins, for three Years; also Three Shillings on every Ton of Wine, and Twelve-pence in the Pound on Merchandize, besides a Tenth and a Fisteenth.

In his fifth Year there was a Tax of Twenty Shillings on every Knight's Fee, and Twenty-Pence of every one that had Twenty Pounds Lands a Year, and One Shilling in the Pound for Money or Goods, and to upwards according to that Rate: But the Record of this Subfidy was burnt by Order of the Parliament that granted it.'

In his fixth Year he had two Tenths and two Fifteenths, also the Subsidy on Woolls, Wooll-Fells, and Skins; that is, of every Denizen, for each Sack of Wooll, 43s. 4d. for every 240 Wooll-Fells, the like Sum,

and

Ring Heavy IV. and for every Last of Skins, Five Pounds: Of Aliens, 10 s. more; to subsist for two Years: Three Shillings on every Ton of Wine, imported or exported, and Twelve-Pence in the Pound on Merchandize.

In his seventh Year there was granted a Subsidy of one Tenth and one Fisteenth, besides the usual Grant

upon Woolls, &c.

In his ninth Year, he had one entire Fifteenth and Tenth, and one half Fifteenth and Tenth; with the same Subsidy as in the last Parliament, for two Years.

In his eleventh Year the same Tax was granted;

And,

In his thirteenth Year, it was again repeated, with the Addition of 6 s. 8 d. upon every Owner of Lands of 20 l. a Year, clear Estate.

[125] Towards forming some Notion of the Value of these

Taxes, take the following Account of

The Price of PROVISIONS in this Reign.

In 1401, Wheat very dear, at 16 s. the Quarter n.
In 1407, a Cow was fold for 7 s. and her Calf for
1 s. 8 d. Five Bushels and a Half of Salt for 3 s. 4 d.
Two Bushels of Wheat for 10 d. A Thresher for a
Day's Labour 2 d. An Ox fold for 13 s. 4 d. A new
Plough 10 d. For eleven Bushels of sowing Wheat
5 s. 10 d. For eighteen Bushels of sowing Oats 4 s.
6 d. For a Dung-Cart and all Materials 1 s. 2 d.
For a Pair of Cart-Wheels 3 s. 2 d o.

HENRT

n Fabian's Chronicle.

[·] Kennet's Parochial Antiquities. Fletwood's Chronicon Pretiofum.

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HENRY the Fifth began his Reign March 20, King Henry V. Anno 1413, the Day of his Father's Death, and was proclaimed on the next, with the usual Ceremonies. Our older Chronicles, and their Copiers, impute several Wildnesses and light Behaviour to the Minority of this Prince, very unbecoming his high Birth and Station. But the Reader may observe, in the Course of these Inquiries, throughout his Father's Reign, that feveral high Compliments were made this Prince of Wales, on his Valour and Prudence, by Parliament; very inconfistent with such a Character p. We are told by a contemporary Historian, and an antient Manuscript Chronicle of this King's Life, that the late King, his Father, had summoned a Parliament to meet at Westminster, on the 24th of March this Year, which was four Days after he died q. That, being met accordingly, they gave an extraordinary Testimony of their entire Considence in the new King, by an Address to him from both Houses, wherein they offered to swear Allegiance to him before he was crowned, or had taken the customary Oath to govern according to the Laws. King gave them Thanks for their good Affections to him, and exhorted them to employ all their Power for the Good of the Nation, in their feveral Places and Stations. He told them, 'That he began his Reign by pardoning all that had offended him; and, with a His Speech to fincere Defign for his People's Happiness, said, That on his Accession

he would be crowned on no other Condition, than to the Crown, 6 to make use of all his Authority to promote it: And

e prayed to God that, if he foresaw he was like to

oprove any other than a just and good King, he would e please to take him immediately out of the World, ra-

ther than feat him on the Throne, to be a public Ca-

Iamity to his People."

The generous Offer made by both Houses of Parliament to this King, at his Accession, and such as, an old Historian flays, was never made before to any Eng-

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P See before, p. 108, and 112, 113.

9 Titus Livius, a MS wrote under that Name, of this King's Reign and dedicated to his Son and Succeffor. Niebolfon's Hift. Library, p. 82.

Walfingbam writes that this Parliament met on the Day after Candlemas-Day, but that the King aid not live to see the End of it, dying on March 20, as aforefaid, p. 382.

F J. Stowe's Chron. p. 343.

King Henry V. lish Prince, is another convincing Testimony of the great Confidence they placed in his Administration and Justice: And his subsequent Conduct evidently shewed that they were not mistaken in him. But, whatever our old Chronicles say of the calling this Parliament. we meet with no Authority for it on Record '. There is an inconsistent Account, in the Abridgement, of a Parliament called at Leicester, January 29, the first of this King, and prorogued to the same Place the last Day of April following; but the Dates of the Writs do by no Means agree with the Date of the last King's Death. This Matter, however, is fet right by another Inspector of Records t, who has given us the Form of a Writ directed to Thomas Archbishop of Canterbury, dated March 22, for calling of a Parliament. The Reasons given in the faid Writ of Summons were thefe. 'That the King, by the Advice of his Council, had determined to hold a Parliament three Weeks after Eafter e next following, in order to confult and treat with the Bishops and other Prelates, the Lords and Commons, concerning the State and Safety of the Nation. • Archbishop was therefore commanded, as he had any Regard to the King's Honour, or the Safety and Defence of the Kingdom, to be present at the Sessions, and to give Notice, to the Prior and Chapter of the · Church of Canterbury, to the Archdeacons and all the Clergy of that Diocese, that the Prior and Archdeacons fhould come in their own Persons to Parliament, and that the Chapter should fend thither one fit Proctor, and the Clergy two, distinctly appointed, with Power to consent to what should be enacted by the Gee neral Council of the Nation.' The like Writs were directed to other Bishops, Abbots, and Priors, to William Gascoign, Lord Chief Justice; to Edward de Courteney, Earl of Devonshire, and others of the Nobility.

Anno Regni 1. On the appointed Day, being May 15, that Year, 1419. the Parliament met at Westminster; when the King (At Westminster, sitting on his Throne, and the other Estates of the Realm

t Dugdale's Summons to Parliament, p. 388.

^{*} This Reader will find in the Account we give of the next Parliament, that the Members of the House of Commons petitioned the King that Costs might be allowed them for attending this Parliament, Anne 14.

Henry IV. though no Business was done at it.

Realm attending, the Bishop of Winchester, the King's King Henry V. Uncle, and Lord-Chancellor, made a Speech to them, wherein he first declared, 'That this Parliament was 'called in order that the Church, with all Corporations 'and Persons, should enjoy their accustomed Liberties,

'and also for a general Consultation.'

The Latin Sentence he chose for his Theme was,
Ante omne Actum Consilium stabilere; he told them,
That the King desired to consult with them on several
Accounts, for the competent Support of his Royal
Dignity; the due Execution of good Laws and Government of the Nation; the encouraging his Allies,
and subduing his Enemies: And, that they might
more effectually go about these weighty Matters, he
urged the Commons to chuse their Speaker, and present him the next Day to the King. Then the Re-WILLIAM

ceivers and Triers of Petitions were appointed, and, the STOURTON, Day after, the Commons presented William Stourton, Speaker;

Esq; who was allowed.

May 22. The Commons came before the King and Lords, when their Speaker declared to his Majesty, That, in the Time of his Father, many fair Promises were made for the Observation of the Laws, but nothing done in them; whereupon he prayed the King to provide for the due Execution of them; and particularly mentioned a late Riot against the Abbot of Cirencester, which he desired might be punished. The Speaker was commanded to exhibit the same in Writing, that the King might the better consider of it.

May 25. John Dorewood, Esq; and others of the Commons, delivered to his Majesty a Scheme, for providing for the Defence of Ireland, the Marches of Wales and of Scotland, of Calais, the Duchy of Guienne, for safe guarding the Seas, for furnishing out a Fleet, and for raising sufficient Forces to repel any Invasion.

On the 3d of June the Commons again attended the But falling fick, King in the House of Lords, and their Speaker being John Dork-rendered, by Sickness, unable to serve, they presented the chosen in his said John Dorewood, who had the King's Approbation. Place.

And whereas Annuities were to be paid to several Persons by Letters Patent, it was enacted, 'That the Vol. II. 'King,

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King Heary V. 'King, for the Support of his Charges, should yearly receive 10,000 l. and the Remainder should be paid according to the Rate.' And whereas Henry IV. had. by his last Will, given all his Goods and Chattels to discharge his Debts, and for the Payment of certain Legacies, and had made Henry Archbishop of York. Thomas Bishop of Durham, John Pelham, Robert Waterton, and John Laventhorp, Executors, and had appointed the King and Archbishop to be Overseers of this his Testament; but the Goods falling short, the Archbishop of Canterbury, as Ordinary, ought to have the Administration of the said Goods and Chattels: Therefore, that they might not be fet to common Sale, the King took Poffession of them, and granted the Sum of 25,000 Marks, the Value of these Goods, to be paid out of the Wardrobe in three Years to the Executors, and discharg'd them of all Executions by the same Will,

The King pays his Father's Debts.

The Commons petitioned the King, 'That the Statute made in the 5th Year of Henry IV. for the Regulation of Aliens, might be observed: Which the King granted, faving his Prerogative. The Commons, with the Assent of the Bishops and Lords, granted to the King the like Subfidy on Staple-Wares, with Ton-A Subfidy grant- nage and Poundage for four Years, as they had given edfor four Years, to his Father in the 13th Year of his Reign. After which flands a general Pardon for all Offences whatfoever, committed against the Crown in his Father's

which should be over and above the last mentioned

Time, without any Exceptions. In the 25th Year of Edward III. an Act had been

made for maintaining the Right of the English Kings to confer Ecclesiastical Preferments and Benefices: It was reinforced and confirmed afterwards by two others, one Act against Pro- made in the 13th of Richard II. the other, to the same vifors from Rome Effect, in the 2d of Henry IV. forbidding all Persons to accept any vacant Bishoprics, or other Church Benifices, from the Popes of Rome, or any other than the King, under Penalty of Banishment, and Forseiture of Lands and Goods to the Crown. And now, by this Parlia-

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ment, in the first Year of Henry V. it was enacted, 4 That all these Statutes made against Provisors from · Rome should be strictly observed.

The

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reinforced.

The House of Commons presented a large Complaint King Heavy V. of the many Oppressions with which the Ordinaries aggrieved the People in the proving of Wills, and the like; and of the Abuses they committed by punishing Fornication and Adultery with Pecuniary Pennance; and petitioned the King, that these Grievances might be redressed: Whose Answer was, That he would Commons. Sie give Orders to the Bishops to rectify them, and if they 'neglected it, he would do it himself.' They likewise petitioned, that Wages might be allowed to the Knights and Burgesses summoned to Parliament in the 14th Year of Henry IV. though nothing was done in that Session. The King replied, That if, upon View of the Records, any the like Precedents could be found, Allowance of their Fees should be made.' They also petitioned. That the Grounds fet out by the Perambulations of Edward III. might be intirely disforested; to which the King answered, 'That such as had just Complaints against the Charters of the Forest should be heard. And when the Commons farther asked of the King a Declaration for furcharging of Sheriffs, and petitioned that they might be allowed upon their Oaths in the Exchequer, he promised, 'That, upon the Sheriffs' coming before the Council and the Barons of the Exchequer, 'they should find Remedy.' To another Petition, defiring that no Barge, Ship, Boat, or other Vessel going on any River, be taken for a Deodand, if a Person, accidentally falling out of it, be drowned, the King replied, 'That he would take Advice about it.' like Answer he returned to a Petition offered in Favour of Merchants, that they might freely bring into the Nation their Goods of Arras, and all other Merchandize but that of the Staple; and, paying their due Customs, might sell the same as they pleased to all Men, the Genea Merchants excepted.

As the Commons thus made their Petitions to the King, either for the redressing of Grievances, or for the Establishment of such Orders as they apprehended might promote the Public Good; so likewise many Laws were enacted to render the Nation rich, flourishing, and prosperous. It was enacted, 'That all Aliens should depart the Kingdom, and that all such Merchants Aliens as remained should live in English Families, on · Pain

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King Henry V. Pain of Imprisonment at the King's Will; also that all the Livings of Priors Aliens (besides some which they excepted) should be seized for the King's Use." By another Act it was ordained, 'That every Juror in

Several Acts passed for the public Benefit of the Nation.

all Inquisitions should be questioned upon his Oath. whether he, or any other, had received any Thing for his Use, as to the Process of the Business, and that 'upon Conviction by his Oath he should be tried.' An Act was made about the Election of Persons to ferve in Parliament; by which it was appointed, 'That onone should be chosen Knights of the Shire, who were not resident in the County on the Day when the Writ of Summons was dated; nor any be chosen Burgesses, but such as were Citizens or Townsmen. and Freemen, dwelling in the Cities and Towns where they were elected.' Another Act passed to inforce the observing of some former Statutes about the removing or straiting Wears, Mills, Stanks, Stales, and Kydels, which were a Nusance to the Rivers. ther against the Forgers of false Deeds, ordaining, That the aggrieved Party should have his Suit, and recover Damages, and that the Person convicted should • make Fine and Ransom at the King's Pleasure.' another, Provision was made against the Abuses that arose from the Continuance of the Officers of Sheriffs. fuch as Under-Sheriffs, Clerks, Receivers, and Bailiffs, in their Places, from Year to Year, or from their interchangeable Removal out of one Office into another: It was enacted therefore, 'That those who should be 6 Bailiffs or Sheriffs for one Year, should bear no such 6 Office for three Years following, excepting Bailiffs or Sheriffs which are inherite in their Office; and that ono Under-Sheriff, Sheriff's Clerk, Receiver, or Bailiff, ' should be Attorney in any of the King's Courts during their being in any such Office.' By another Act it was ordained, 'That, in every original Writ of Actions Personal, Appeals and Indictments, Additions • should be made of the Estate or Degree, or Mystery of the Persons, and of the Counties and Towns where their Blood by Quarrels and Infults on the King's faith-

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'they dwelt.' And whereas the Friends and Kindred of those Rebels that were slain in the late Commotions in Wales, in the former Reign, endeavoured to revenge ful.

ful Subjects, by Indictments or Impeachments, or King Heary V. Threatnings of Vengeance, it was therefore ordained by another Statute, 'That no fuch Quarrel, Action, or Demand be made, on Penalty of paying to the in-'jured Person treble Damages, and of two Years Imprisonment after the Conviction.' There were Complaints also of Neglect in executing the Law made in the 13th Year of Richard II. forbidding any Alien Frenchman to have or enjoy any Benefice within this Nation, and requiring their Departure out of the Nation by a certain Time limited: And that when any Benefices became vacant by the Departure or Death of the Priors Aliens, or others, Englishmen should be put in. The Commons represented 'That, contrary to this Act, Alien Frenchmen did purchase the King's Letters Patent to be Denizens, that they might enjoy the Benefices, which they did accordingly possess, to the 'great Damage of the Kingdom, by carrying away its 'Treasure, and betraying the King's Counsels to his The King, considering these Mischiess, passed an Act to enjoin the strict Observance and Execution of the former; also for clearing the Nation of these Priors Aliens, those that were Conventual, and those who had Institution and Induction, only excepted, on Condition that they be Catholic, and find Surety not to disclose the Counsels and Secrets of the Realm. Great Disturbances were produced by the coming over into England of confiderable Numbers of Irishmen, and begging Priests, who were called Chamber-Deacons: Therefore, for the Establishment of the Quiet here, and to re-people that forfaken Kingdom, it was ordered by Parliament, 'That they should depart before the Ist of November, on Forfeiture of their Goods, and 'Imprisonment at the King's Pleasure,' There was another Complaint exhibited, 'That whereas all the Revenues, Profits, Fishing, Customs of the Town and ' Marches of Calais had been appointed by Edward III. and Richard II. to be levied by the Treasurer of Cablais, to fatisfy the Charges necessary for its Defence, these Revenues had been diverted from their intended Use in the former Reign, and bestowed by Letters Patent on feveral Captains, and other Persons. Act was passed to revoke all these Patents and Grants, and

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King Heary V. and to appropriate the Revenues and Profits of that

Town to their first Purpose.

Whilst the Parliament sat at Westminster, the Convocation of the Clergy, according to the usual Custom of those Times, was affembled at St. Paul's, and were much more active in their Proceedings than the other. Thomas Arundel, Archbishop of Canterbury, being senfible how zealous the King was for the Church, thought

The Clergy flir up the King to this the fittest Opportunity to root out those Heretical profecute Sir a Favourer of the Lollards.

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John Oldcafile as Doctrines, which had long been a grievous Thorn in the Sides of the Clergy. He hoped that the King's Youth and natural Courage, concurring with his eligious Inclination, would more earnestly engage him in a Work, by which he might merit, at once, both the Favour of God and of his People. By the Help of twelve Inquifitors, which the Prelate had fent out the Year before, he had collected a large Bundle of Accusations, which were afterwards digested into no less than 246 Articles, against the Principles and Doctrines of the Lollards. On the canvassing of these, in Convocation, it was at length decreed. 'That it would be impossible to extirpate the Doctrines of Wickliffe, unless certain Great Men. who were the professed Abettors and Maintainers of them. were taken off: That Sir John Oldcastle, Lord Cob-bam, being the Chief of them, should be first dealt withall; and that, without Delay, a Process should be siffued out against him, as a most notorious Heretic 2,2 And, because the said Lord was in great Favour with the King, for his Conduct and Valour, it was thought adviseable to acquaint his Majesty with their Designs, and the just Occasion of them; that, having obtained his Leave, their Proceedings might be more successful, and give less Offence b.

These Things being settled in Convocation, an Accident happened which gave the Clergy a much greater Handle to work the Downfal of these new Resormers: who, being openly abetted by some, but secretly by many more Great Men, who wanted to be sharing the Revenues of the Church amongst them, were become

a This Sir John Cobbam had been principally concerned in bringing in a Bill in the last Reign for reducing the exorbitant Revenues of the Clergy:

The worst Kind of Heresy he could be guilty of. b Walfingbam, p. 383. Daniel in Kennet, p. 309. See also Puller & Church History, and Collier's Ecclesiastical History, p. 633, & Supra.

exceeding dangerous to the Clergy: And, in the very King Henry V. first Year of this King, an Insurrection of these Reformers began in and about London, headed by Sir John Oldcastle and others, which might have proved of ill Consequence, had not the King himself, by his Vigilance and Conduct, suppressed it. This unadvised Step of the Lollards gave the young Monarch a warm Resentment against them, and made him judge that their Principles were equally destructive to Church and State: as has been found, by woful Experience, in some of their Followers of a much later Reign.

A Parliament was called to meet at Leicester on the Anno Regni 24 30th of April, 1414. There is no Account of the Proceedings of this Parliament to be met with on the Rolls: the Abridgement of them gives us the Summons to one, dated at Westminster the first Day of December, to meet at Leicester on the 29th Day of January following, and from thence prorogued to meet at the same Place the last Day of April, which must be in the second Year of this King. We presume the Roll of this Parliament is lost: and therefore what we have to fay of it is taken from the Statute-Books and our older Historians. The first Act that we find to be done at it, was a very severe Statute made against the Followers of Wickliffe's Doctrine, whereby it was enacted c, That whoever read the A most severe Scriptures in English, which was then called Wickliffe's Law against Learning, should forfeit Land, Cattle, Goods, and them.

Life, and be condemned as Heretics to God, Enemies to the Crown, and Traitors to the Kingdom; that

they should not have the Benefit of any Sanctuary, tho'

this was a Privilege then granted to the most notorious 'Malefactors; and that if they continued obstinate, or

relapfed after Pardon, they should first be hanged for

'Treason against the King, and then burnt for Heresy 'against God.' The Clergy having obtained this Act, it was foon put in Execution; many were taken, and suffered Death upon it, and others fled in great Numbers into Germany, Bohemia, France, Spain, Portugal, and into the Mountains of Scotland, Wales, and Ireland.

Several Acts of public Benefit were likewise passed in this Session, viz. An Act to remedy the Abuses commit-

At Leicefter.

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Statutes at large, Anno 2 Henry V.

136 King Henry V. ted in diverting the Goods and Revenues of Hospitals to other Uses than what the Founders intended. Act against the Followers of Wickliffe, who were called Heretics and Lollards; in which it was required. That the Chancellor, Treasurer, Justices of the one Bench with the other, Justices of Peace, Sheriffs, Mayors, Bailiffs, and all other Officers, should take an Oath to employ their Power to extirpate all Manner of Herefies, commonly called Lollardies, within the Places where they exercised their Offices: And that all Persons convicted of Heresy, and lest to the Secular Power, should forfeit all their Lands and Goods to the Likewise an Act against Riots and unlawful Assemblies, enjoining, 'That such Rioters as were atstainted of great and heinous Riots, should suffer at · least one whole Year's Imprisonment without Bail or Mainprize; and that they who were attainted of leffer • Riots, should suffer Imprisonment as long as the King and his Council thought fit; and that the Fines on fuch Rioters should be raised to greater Sums than they • were usually, for the Support of the Costs of the Iufires and other Officers.' There was another Act 4 passed this Parliament, by which the Priories Alien. (who depended on some Capital Abbies in Normandy that received the Profits of them) should be intirely at the King's Disposal: For the House of Commons confidered, that, by these Abbies beyond Sea possessing the Lands and Revenues of these Alien Priories, great Sums

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The Alien Prio-King.

Kingdom, would be deprived of them: They therefore made this Act to disposses these foreign Monasteries of ries vested in the these Priories Alien, and to vest them in the King, who, having thus the Power of disposing of them as he pleas'd, foon after, by Letters Patent, dated June 24, gave two of them (one of Paunfeld in Essex, the other of Wells in Norfolk, which belonged to the Abbey of St. Stephen's in Normandy) to John Wodehouse, Esq; and required from him no other Acknowledgement than to present a Rose to the King yearly on the Feast of John the Baptist.

of Money were carried out of the Nation; and they forefaw that, when the War was begun with France, all the Subjects of England, who had Lands and Estates in that

d This Act is not in the Statute-Book, but is mentioned among the Patent-Rolls, 3 Henry V. p. 2. m. 2.

The House of Commons having complained of the King Henry V. evil Administration of Justice, and undue Government in Shropshire, and that by such Negligences more Murders and Robberies were committed there than in any other County of England, the King, to remedy these Disorders, sent Edward Duke of York into that County, to see such a Grand Jury returned as would effectually inquire into fuch Outrages, and punish severely all that were guilty of them.

But, notwithstanding the Act against the Lollards, it was in this Parliament, at Leicester, that the Storm which had long been raising against the Clergy, had like to have broke out to some Purpose, had not the Wit and Policy of Henry Chichely, then Archbishop of Canterbury, Another Atwho succeeded Arundel, diverted the Danger. The tempt of the House of Commons had again put the King in Mind Commonsagainst the Clargy's Reof what had been defired in Parliament four Years be-venues, fore, about converting the Lands and Possessions of the

Clergy to the Service of the State .

This Bill, fays an old staunch Protestant Writer, * made the fat Abbots to sweat; the proud Priors to frown; the poor Priors to curse; the filly Nuns to weep; and indeed all her Merchants to fear that Babel would down f:' For, at this very Time, the Clergy were more apprehensive of their Danger than ever, fince they knew not what the active and bold Spirit of a young Prince, agitated by Counsels which had a natural Tendency to increase his own Greatness, might produce against them; and, consequently, they were in a terrible Consternation. They once thought of fixing the King in their Interest, by the voluntary Present of a large Sum of Money; but some of the wifer Bishops considering that such an Appearance of Bribery would be indecent for Persons of their Character, and expose them to the Hatred and Scorn of the People, this Proposal was rejected. And as it had been concluded, in the last Synod at London, that the most effectual Course to avert the impending Storm was to find the King Which is fet fome other Business to employ the Vigour of his Courage, aside, by promptwhich might otherwise prove dangerous to them, iting the King to was therefore judged necessary to turn his Thoughts to a War with War;

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e Fabian's Chronicle, Folio claui. See before, p. 114, 115. f Hall's Chronicle, p. 72.

King Harry V. War, and to flatter his Ambition, by reminding him of the Crown of France, descended to him from Edward II. one of his Royal Progenitors. By a Representation of the just Right the King had to that Claim, it was hoped his enterprizing Spirit might be stirred up to demand the Crown of France, as the undoubted Heir, and, upon Refusal, to attempt the Recovery of it by Arms: And, to make these Counsels more prevalent, they also agreed to make an Offer of a great Sum of Money to supply the necessary Expences of the War: Also to give up all the Alien Priories in the Kingdom, to the Number of 110, who were possessed of Lands that would considerably increase the Revenues of the Crown.

> These Resolutions were soon after put in Execution; for we are told that, in this very Parliament at Leicester, the Archbishop of Canterbury rose up, in the House of Lords, and addressed the King in Words to this Pur-

> > Wisdom and Care you have established the

port 8:

The Archbishop TXTE all know, Great Sir, with what Royal of Canterbury's 6

Speech in Favour Peace and Prosperity of your People, and we all enjoy the Bleffings of your excellent Government: But while your Designs and Actions have been directed to our common Good, we have not done any Thing for the Increase of your Empire; and among all the Debates in this Honourable Assembly to make Laws for the Security of the Subjects' Liberties and Privileges, we have neglected to confider how we may advance the Greatness of our King, and in him that of our Country too. Now, fince I owe all my Fortune to your Favour, Gratitude, as well as the Duty of a Subject, obliges

• me to propound what I think may promote the Ho-• nour of fo gracious a Sovereign, and enlarge his Power. You administer. Justice to your People with a noble

• Equity, you are illustrious in the Arts of a peaceful • Government; but the Glory of a great King confifts onot so much in a Reign of Serenity and Plenty, in f great Treasures, in magnificent Palaces, in populous

• and fair Cities, as in the Enlargement of his Dominions;

8 These Speeches, in Parliament, are all printed at Length in Hall's Chron. Falio xxxvi, &c. and are but modernized by Mr. Goodwin. Secolfo Holling fead, p. 545. Biondi, p. 104, Gc. Speed's Chron. p. 626.

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especially when the Assertion of his Right calls him King Henry V.
out to War, and Justice, not Ambition, authorizes

fall his Conquests.

Your Majesty ought to wear the Crown of France by a Right descending to you from Edward II. your sillustrious Predecessor. That valiant King openly schallenged his Right by Ambassadors, and when the French endeavoured to elude it by a pretended Salique Law, he bravely attempted to conquer by Arms what he could not obtain by a just Treaty. You have the fame Title to demand that Crown, and the fame Reafons to make War, upon a Refusal. I doubt not but they will oppose their imaginary Salique Law in like Manner against your Claim; but I know very well, that as they contradict themselves in assigning the Original of this Law, so if it were granted that there is fuch a one, yet France is not concerned in it. in vain to tell us, that it was made by Pharamond, the Founder of their Monarchy, as if he could be Founder of a Law which had no Name nor Being till above 400 Years after his Death: For then it was that • Charles the Great returning from the Conquest of Saxony, Part of his Army passed the Sala, and seated themselves between that River and the Elbe, and from the Name of the former were called Salique Gauls, This new Colony deteffing the vicious Manners of the German Women, made a Law, that none of that Sex 6 should inherit Lands within the Bounds of their little Government. But what is all this to France? How will the French persuade us, that, by virtue of this Law, the Crown of that Kingdom must not descend to any Daughter of their Kings, if they do not first prove their Country to be fituated between those two German Rivers? But tho' all were true which they report of this boasted Law, yet why should they use it as an Argument against the Right of our Kings, when they never made it any Bar in the Succession of their own? Pepin, who, by deposing Childeric III. mounted the 16 Throne, was acknowledged the next Heir as descend-• ed from the Princes Blithilda, Daughter of Clothair I. s and Hugh Capet, who usurped the Crown from Charles Duke of Lorrain, the next Male Heir, to give himself the Colour of a Title, afferted that he sprung from

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140 King Henry V. 6 the Princess Lingarda, the Daughter of Charlemaign: Thus Lewis IX. too, whom they honour as a Saint, neglecting the precarious Title of Hugh Capet, his Grandfather, could fufficiently fatisfy his Conscience and the Nation, by deriving his Right from Queen "Isabella, his Grandmother, as descended from the 6 Princess Ermingarde, Daughter and Heir of Charles Duke of Larrain, whom Hugh Capet had deprived of his Kingdom and Life. But were it certain that this Salique Law had, from the Beginnings of the Monarchy, been established and inviolably observed in France; e yet what Obligation can a Law have, which is contrary to the Commands of God, and the Customs of all other Nations, and so offends against all the Rules of Justice and Reason? God declares, That if a Man died without Sons, the Inheritance should descend to the Daughter: And there never was a Law among any People in the World, which excluded the Daugh-* ters from the Rights of Children. The French alone violate the Statutes of Heaven, and flight all the Laws that are in Force on Earth, that they may devolve the Right of their Crown on whom they please: But it is your undoubted Right, my Sovereign, and all the Powers of France will be too weak to oppose your Pos-6 fession, if you do but resolve to vindicate it. Consider [140] therefore the just Title which you have to this Crown, ' devolved on you by Queen Isabella, your Great Grand-6 mother, Sifter and Heir to three successive Kings of France, who died without Children, and take up noble Arms to affert so just a Cause! Advance your Standard into France, and, with affured Hopes of Victory, march to conquer those Dominions which are your own by

Success of your Arms.'

When the Archbishop had ended his Speech, and the King seemed moved with it, Neuil Earl of Westmoreland, who was High-Warden of the Marches to-

Inheritance! There is no true Englishman but is ready to devote his Life and Fortune to fo glorious a Service of his King: And, in full Persuasion of the Justice of the War, we the Clergy have given such a Sum of • Money to maintain it, as was never granted to any of your Predecessors, and will join all our Prayers for the

wards Scotland, apprehending that the Country com-King Henry V. mitted to his Government would be exposed to the Incursions of that Nation, if the King should draw his Forces out of England for this Expedition, thus spoke to dissuade the War h:

Though, said he, I freely acknowledge myself of the Which is opposed fame Mind with my Lord the Archbishop, as to the by the Earl of Glory that will be gained in conquering France, and Westmoreland; the Advantages that may arise from the Acquisition of fuch a flourishing Kingdom, yet I cannot but advise, that our Arms should be first turned on Scotland, that, by fubduing that People to the English Dominion, the whole Island may be brought under one Government. When all our Strength and Forces shall be united, when there shall be no Enemies to disturb us within the Bounds of this our little World, separated from • the other by the Ocean, then will be the proper Time to confider of foreign Conquests, and how we may extend the English Empire abroad, which, while we • are unfecured at home, we cannot attempt with any reasonable Hopes of Success. It has therefore been the constant Practice of wife Governments, who have for prospered in enlarging their Dominions, first to subdue those People which bordered on them, before they ade vanced their Arms against the more remote. By this Method were the Affyrian, Persian, and Grecian Moe narchies raised to such Height of Power, that a great · Part of the World was forced to bow to them. Thus the Romans established a larger Empire than any of the former; but they would have failed in the Attempt, if they had invaded more distant Nations, before they had fubdued their Neighbours: But when, by conquering the Samnites, the Volsci, the Fidenates, and other · People around them, they had made themselves intire Mafters of all Italy, they foon carried their victorious Arms thro' most Parts of the Earth. But what need · I argue from Examples? It is Reason sufficient against 'a War with France, that whenever to invade that 'Kingdom we shall draw the Strength out of our own, the Scots, our antient and inveterate Neighbours, will bring Fire and Sword into the Bowels of our unguarded Country. And, to put this past Question, I

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Holling shead, 546. Biondi.

King Henry V. will only remind you of the old League between the Nation and France, by which, if either of them are invaded, they are bound mutually to affift one another. We have found them so punctual to their Agreement hitherto, that, whenever we have transported our Ar-* mies into France, the Scots have entered our Country with dreadful Devastations. If then we must have a War with either of these People, let it be with Scot-* land, where all Things promise to us an easier Victory. their King being an honourable Prisoner in our Court, and the unseasonable Severity of the Duke of Albany, who governs in his Absence, having thrown that Nation into dismal Convulsions. But to invade France. what a vast Army is necessary; what immense Sums f of Money to raise and pay the Soldiers, and what a ' prodigious Fleet to transport them?'

But being supported by the Duke of Exeter,

The Earl having ended, the Duke of Exeter i, the King's Uncle, who having been defigned by his Father for the Church, had received a learned Education in the

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Universities of Italy, thus spoke in Answer: 'If I did not know that the most effectual Course to destroy any Mischief is to cut off the Root which feeds it; and if Experience had not taught all of us that • France is the Spring which has nourished a perpetual growing Enmity in the Hearts of the Scots against us, I should advise that the French might be the last with whom we make War. But fince they have always been industrious to render Scotland an irreconcileable Enemy, and to foment in the Minds of that Nation a fierce Hatred and Defire of Revenge; fince they have on all Occasions stirred them up to invade us, and by their Affistance have enabled them to do so, it is certainly the best Counsel, that, by a vigorous War upon France, we should strike at the Head of all these Mischiefs: For, if that Kingdom be conquered, either the Scots will no more be our Enemies, their Hatred being no longer kept alive and cherished by the old Fomenters of it; or if they refuse to incorporate into one People with us, yet destitute of Succour from that Nation, they must without any lasting War submit to our Power. How will they be in a Condition to fight

i Holling shead, Biondi, &cc. call him so; but he was then only Earl of Dorfet, though created Duke afterwards.

us, when they shall want Arms to put into their Sol-King Henry V. 'diers Hands, or Officers to lead them, all Supplies 'from France being cut off? And whither shall they have Recourse for Aid, when that People is subdued by us? Not to Denmark, whose King is Brother-in-'Law to ours; not to Portugal and Castile, for the Kings of both those Nations are allied to our Sove-'reign; not to Italy at so great a Distance; not to Ger-'many or Hungary, which are in League with us. Let 'us then begin the War with France, fince we shall 'conquer two Nations with one Victory; and fince a 'rich, fruitful, and pleasant Country will be the Reward of the Conqueror. What though the Scots may in-'vade us, when our King with his Army is absent? Their Incursions furely will not be so dangerous, but that the Earl of Westmoreland, who is Warden of the Marches, with a few felect Troops, will be able 'not only to make Head against them, but to give them 'a Repulse.'

The Duke's Arguments prevailed with the King and [143] his Brothers, who being all young and ardent of Glory, were impatient to fignalize their Courage against the old Enemies of their Country: And the same gallant Spirit diffusing itself through the Minds of the other war is declared Nobles, they all declared for a War with France; accordingly, which being thus resolved on, the Parliament was pro-

rogued to Westminster.

In this Parliament the King created his Brothers John, Duke of Bedford; and Humphrey, Duke of Gloutester; and Richard, Brother to the Duke of York, was

also made Earl of Cambridge 1.

We have said that there is no Account of the Proceedings in this former Session of Parliament at Leiceser, nor of the Prorogation of it, as above, in the Records; but a new Parliament, which was called to meet at Westminster, this same Year, falls in exactly with the Histories, and goes on regularly with them for the surve; the Writs bearing Date September 26, to be holden on the Octaves of St. Marsin following at Westminster.

It having been our Custom, hitherto, to exhibit a Anno Regni, 2. Lift of the Temporal Lords, once or twice in a King's 1414.

Reign, At Westminster.

1 Hall's Chroniele, Fel. xxxvi. J. Stowe, p. 345.

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King Heary V. Reign, we shall therefore give the Names of the Peers fummoned to this Parliament m.

THOMAS Duke of Clarence, and Earl of Albemarle. John Duke of Bedford, and Earl of Kendale. Humphrey Duke of Gloucefter, and Earl of Pembroke. Edward Duke of York. Richard Earl of Cambridge. Edward Courtney, Earl of Dewonshire. Thomas Earl of Arundele. Edmond Earl of March. Richard Beauchamp, Earl of Warwick. Richard de Vere, Earl of Oxford. Thomas Earl of Salisbury. John Earl-Marshal. Thomas Earl of Dorset. Michael de la Pole, Earl of Suffolk. Ralph Nevile, Earl of Westmoreland, Edward Lord Charlton, of Powis. William Lord Clinton. Thomas Lord de la War. Honry Lord Scrope, of Matham. Henry Lord Fitzbugh.

William Lord Ferrers, of

Groby.

Thomas Lord Morley. Hugh Lord Burnel. Thomas Lord Berkley, of Berkley. Fohn Lord Welles. Ralph Lord Cromwell. Ralph Lord Greystock. Thomas Lord Dacre, of Gilsland. Robert Lord Harrington. Robert Lord Willoughby. John Lord Lovel, of Tichmersh. Richard Lord Grey, of Codonore. Reginald Lord Grey, of Ruthyn. Peter Lord Mauley. William Lord Zouch, of Harringworth. Thomas Lord Camois. William Lord Botreaux. John Nevil, Lord Lati-Richard Lord Strange. Robert Lord Poynings. Gilbert Lord Talbot. John Lord Clifford. John Lord Talbot, of Furnival.

No Lord-Warden of the Cinque-Ports in this List.

On the 19th of November the Parliament met, and the King being seated on his Throne, in the Painted Chamber of his Palace at Westminster, by his Command the Bishop of Winchester, his Uncle, and Chancellor

m Cotton's Abridgement, p. 538. Dugdale's Summons to Parliament, P. 394.

cellor of England, opened the Seffion by a Speech; King Heavy V. wherein he declared, 'That his Majesty would that the Church, with all Corporations and Persons, should enjoy their former Liberties: That the King not onby endeavoured to govern the Realm wifely, but he was also strengthening himself to recover his due Inheritance, which, though belonging to, yet had been a long Time with-held from, his Crown; which Claim he was refolved to profecute even unto Death : and for the attempting such a mighty Exploit, great · Provision was required.'.

Then taking for his Subject, Dum Tempus habemus operemur bonum, he inferred from thence, 'That to every natural Disposition two Kinds of Times, or Seasons, were limited; for Instance, as to Trees, one 'Time of growing, and another Time of bloffoming and bearing Fruit; to Man, one Time for Labour, and another for Rest; to Princes, the Heads of Men, a Time for Peace, and another for War. That the King finding his People in great Ease and Peace, had therefore the better Opportunity to attack the Enemy; to which he applied Dum Tempus. That, to fuch an high and noble Enterprize, some Things were absolutely necessary, as good Advice, Obedience of his Subjects, and a chearful Relief from them: That they ought to grant a larger Subfidy, confidering that their Prince and only Patron would go in · Person against the Enemy, and freely expose his Life to all the Dangers of the War; and concluded with defiring the Commons to chuse a Speaker, and prefent him the next Day to the King.' Accordingly THOMASCHAUthey elected Thomas Chaucer, Esq; and presented him in ed Speaker,

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The Commons then proceeded to consider of the Supplies, and, by the Assent of the Bishops and Lords, granted to the King two whole Tenths and two whole Fifteenths, to be levied on the Laity.

the usual Form.

It was enacted likewise, 'That the King, by his Council, should have Power to make Ordinances concerning the Coin, which should continue till the next 'Parliament.'

Henry Percy, Grandson of the late Earl of Northumberland, and Son to Henry Hotspur, slain at the Battle Vol. II.

King Henry V. of Shrewsbury, being now of Age, and a Prisoner in

tle and Effate.

Scotland, presented his Declaration to the Parliament: Henry Percy re- in which he shewed that the King had restored him to stored to his Ti- the Hangur which his Father had forfaired by his Pathe Honour which his Father had forfeited by his Rebellion, and had made him Earl of Northumberland: He therefore required a general Restitution to it in Blood, and that he might be restored to all the Hereditaments which were entailed, with free Entry in all of them, referving to the King the Lands of Fee-simple. The King granted all to him, on Condition that, before his Entry into any of the faid Lands, he should, by Matter of Record in Chancery, prove the Lands entailed: . And his Majesty appointed Sir Robert Umfrevile to treat with the Scots about Percy's Delivery; who, by the Earl of Northumberland, his Grandfather, had been left there as an Hostage. He confirmed also to John Duke of Bedford, and to his Heirs Male, the Castle, Earldom, Honour, and Seigniory of Richmond, which Ralph Earl of Westmoreland held during his Life.

As for the Regulation of Juflices of Peace ;

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In this Parliament it was enacted, 'That such Perfons only should be made Justices of Peace, by the Advice of the Chancellor, and of the King's Council. who dwelt in the County in which they were to exercise their Office.'

That whereas, contrary to the Statute made in the thirty-fixth Year of Edward III. forbidding any Parish Priest, or Yearly Priest, to take more than five or fix Marks for their Annual Stipend, the Priest refused to ferve under Ten Pound, Twelve Marks, or Ten Marks at the least: It was ordained, 'That no Yearly Chaplain should take above seven, nor any Parish Priest, retained to be a Curate, more than eight, but by Licence of the Ordinary, fo as the whole Sum exceeded onot nine Marks.

The Clergy ;

In Consideration of the Abuses that arose from such Persons serving on the Inquest and Jury, as shaving nothing to live upon, nor to lofe when convicted of Perjury) gave false Verdicts contrary to their Consciences. an Act was made, 'That no Person who had not, in Land or Tenements, forty Shillings yearly, should be admitted on an Inquest upon Trial of Life and Death. on on any other Inquest, in Pleas Real or Personal, of which the Debt and Damages declared amounted to forty

And Juries.

forty Marks; but, upon the Parties concerned chal-King Henry V.

4 lenging him, should be rejected.

By Authority of this Parliament, Richard, who was Son and Heir to the Earl of Cambridge, beheaded at Southampton for High Treason the Year before, was Richard. Son to restored to Blood, and created Duke of York.' This the Earl of Cam-Prince was the fole Heir to the House of that Name, bridge, restored. and some Time after married Cicily, Daughter to the Earl of Westmoreland, by whom he had Henry, who died young; Edward, afterwards King; Edmund, Earl of Rutland; Anne, Duchess of Exeter; Elizabeth, Duchess of Suffolk; George, Duke of Clarence; Richard. Duke of Gloucester, afterwards King; and Marparet. Duchess of Burgundy b.

The King had been sufficiently moved with the Reasons given in the Parliament at Leicester for making his Claim to the Crown of France, and his great Courage and Spirit now spurred him on to attempt the Conquest of that Kingdom, if his Demands were not accepted. The Subfidies granted, by the Clergy and Laity, to enable the King to begin this great Enterprize, amounted, in the whole, to a very large Sum; and, if we may believe an old Historian, to no less than three hundred thousand Marks Sterling. By which Means great Levies of Men were made, successfully, in

all Parts of the Kingdom.

But, to gain a more specious Pretence for War, it was necessary first to offer Peace; tho' upon such Terms as Henry knew well enough would not be accepted. There had been, some Time before, a Treaty of Marriage fet on Foot between this young Monarch and the Princess of France, who is faid to have been a Paragon of Beauty; but now Henry much enlarged his Demands with the Princess; and, by his Ambassadors to the Court of France, infifted on a Restitution of all those Provinces which his Predecessors had ever enjoyed in that Kingdom. How desirous soever the French Court was of an Alliance with England, and marrying their Princess to a young and potent King, yet the restoring these Provinces was a very disagreeable Article, and could never be reconciled to their Politics.

b Fabian's Chron, Fol. claxiv.

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King Henry V. Accordingly all Treaties of Peace were broke off The French War upon it, and the King of England made mighty Prepaprosecuted with rations, both by Sea and Land, to invade France, and great Vigour. affert his Right to that Kingdom by the Ratio ultima Regum. He set Sail from Southampton, August 13, 1415, and landed the next Day near Harsteur, in Normandy.

Anno Regni 3.

Brother, and whom he had left Regent, called a ParAt Westminster, liament to meet at Westminster, on Monday next after
St. Luke's Day; but it was prorogued to the Monday
after the Feast of All Saints, in the third Year of this
Reign . At which Time, being all assembled in the
Painted Chamber at Westminster before the Regent, the
Bishop of Winchester, the King's Uncle, and still Chancellor of England, opened the Cause of the Summons to
be, For the Honour of the King, who himself highly
honour'd God Almighty and his Holy Church, and willed
that it should enjoy all its Rights, Liberties, and
Franchises granted by his Noble Progenitors; the same

In the King's Absence John Duke of Bedford, his

also to all Cities, Boroughs, &c.

That this Parliament was called for two Caufes: first, For the good Government of the Realm in the King's Absence; and the other, To provide a good and fufficient Aid for the Furtherance of the King's Enterprizes in France, for the Recovery of his Rights in that Kingdom.' Then the Orator took for his Subject to proceed on, these Words; Sicut et ipse fecit nobis ita et nos ei faciamus: Upon which he observed; first, on good Government he declared, 'That the King, ever fince his Coronation, had laboured for the Ease, Surety, and Tranquillity of all his Subjects, as was very well known; and, as the Wise Man says, Sine Justitia non regitur Respublica, et inclinavit Cor suum ad faciendum Justificationes tuas; and therefore, for the Intention abovesaid, Sicut et ipse nobis, &c. that after the frequent Requisitions the King had made to his Adversary of France, by the Way of Peace, and for the avoiding the Effusion of Christian Blood, of his Rights in that Kingdom, and no Restitution could be had but by Force of Arms, he set aside all Delicacies, Ease, and Security of

The Summons and Prorogation of this Parliament are only given in the Abridgement of the Records, not one Word of the Proceedings of it. This is taken from the Rolls. Rot. Parl. 3 Hen. V. p. 2.

his Person, and adventured himself in the Enterprize; King Henry V. wholly trusting in the Justice of his Cause and in God, according to another Saying of the Wife Man, Certa

pro Justitia et Dominus pugnabit pro te.'

The Chancellor next recited to them the Manner of the King's happy Passage over Sea, and his landing near the Town of Harfleur, in France; and, notwithstanding it was the strongest in those Parts, after a short Siege, with little or no Loss on his Side, it was taken. albeit the King was obliged to put a strong Garrison into that Place, and that his Army was reduced by Sickness, and by sending back many to England for the The Victory at Recovery of their Health, the King marched the Re-Agincourt demainder through the Heart of France towards Calais; ment. but was met by the Way with the whole Power of his Enemies; and notwithstanding their great Superiority of Numbers, in Comparison of his own poor Few, they were all discomfited, taken Prisoners, or slain, without any great Loss of the English.

The Chancellor added, 'That, after this glorious and wonderful Victory, the King brought his Army and Prisoners safe to Calais; to the Praise and Glory of God, and to the greatest Honour and Profit that this Nation ever received in so little a Time. he concluded, it was their Business in Parliament to provide for the carrying on of a War, so happily begun by the King, that they might verify his Text, which said. Sicut et ipse fecit nobis, ita et nos ei faciamus.'

The Receivers and Triers of Petitions being appointed, as usual, the next Day the Commons appeared again REDMAINE. before the Regent in Parliament, and presented Sir Rich-Speaker. ard Redmaine for their Speaker; who, after the usual Protestation made, was confirmed in that Office.

On the 12th Day of November, the Commons, with the Assent of the Lords Spiritual and Temporal, granted the King the former Subsidy on Woolls, Leather, and Skins, with the same Tonnage and Poundage as in the last Parliament, to hold during his Life, and to be dif- A large Subsidy. posed of at his own Will and Discretion; with this Provifo, That this Grant should not be made, an Example of by any other King of Englana in Time to

King Henry V.

At the same Instant they also granted the King one entire Fifteenth and one Tenth, to be levied on the Laity in Manner accustomed.—These extraordinary Grants were ushered in with many high-flown Expresfions and Congratulations to the King on the great Valour and Conduct he had shewn, and his wonderful Success in all his Enterprizes.

Any common Reader of English History may remember that, before the King embarked from Southampton for France, Richard Earl of Cambridge, Henry Lord Scrope, and Sir Thomas Gray, were arrested for High Treason, tried, convicted, and beheaded at the same This Parliament confirmed the Sentence and Execution of the aforesaid Lords, and the whole Proceedings against them are inrolled in their Journals; whereby all their Possessions whatsover are declared to be forfeited to the King.—These Records are well worth the . Inspection of any particular Writer of this King's Life, or a more general Historian, in order to illustrate, if

possible, the only dark Passage of this Reign.

The rest of the Proceedings of this Parliament turn. chiefly on private Affairs, and are nothing to our Purpose, except we mention the last, by which it was enacted, on a Petition of the Commons, That a Sort of Money, then called Galley Hulf-Pence, should be entirely suppressed and rendered of no Value; and all such wherever found should be forfeited to the King. that the Money called Seskin and Dodekin, and all Coin suppressed. Manner of Scots Silver Moneys, should be outed, and not go in any Payment whatfoever; and that Proclamation should be made accordingly in all the Counties,

ජෑ. in England.

How long this Parliament fat is uncertain from the Record; but it could not be long, for the King returned into England the latter End of November this Year, and made his triumphant Entry into London a few Days after, bringing with him his Prisoners and other Trophies of his Victory, where he must have been a welcome and a gallant Sight to the Citizens. It is observable that, in the two last Summons to Parliament, there are not twenty Peers named to whom Writs were fent for that Purpose; the rest we may well suppose were then gathering Laurels with their heroic Sovereign in France.

The Sentence against the Lords at Soutbampton confirmed by Parliament.

Several Sorts of

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Anno Regni 3.

At Westminster.

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· It was some Time after the King's Return before other King Henry V. Writs were fent out to call a new Parliament, which were dated the 21st of January, and were returnable the 16th of March following.

On which Day the whole Assembly being met at Westminster, the King, sitting in his Royal Throne, in the Painted Chamber of the Palace, commanded the Bishop of Winchester, still Lord-Chancellor, to open the Cause of the Summons; who, in the Presence of the Three Estates of the Realm, first made the usual Declaration, That it was the King's Royal Will and Pleasure that the Church, and all other Persons and Corporations, should enjoy their Liberties, and then took for his Text Initiavit Vobis Viam.

In discoursing on which he endeavoured to demonstrate, 'That a Thing well begun, and continued with Diligence, must have a prosperous Event, according

to the Saying,

Dimidium Facti, qui bene cæpit habet.

This he applied to the King's Successes, who had

* made so glorious a Beginning, by invading France to recover his Right, and an Inheritance derived from

his Ancestors. He put them in Mind of his late gal-

Iant Enterprize, in a continued Course of Victory, by

the Conquest of Harsteur, and the Defeat of the

French, in a general Battle at Agincourt: That, it being only peculiar to divine Wildom to foresee the End

and Event of all Things, he entirely referred that to

God, with great Hope of Success from so prosperous

a Beginning; which, that the King might be en-

abled to obtain, he had called this Parliament for their

good Counfel and Affiftance."

The Commons, retiring to the House assigned them, Sir WALTER which was then called le Froitour, within the Abbey of BEAUCHAMP Westminster, chose Sir Walter Beauchamp, Knight, for chosen Speaker. their Speaker; who, being allowed, they next, with the Assent of the Bishops and Lords, appointed that the Tenths and Fifteenths, granted last Parliament, should be paid sooner than was ordered. By the same Authority it was enacted, 'That, confidering the long Vacancy in the Popedom, and the damnable Schism be-

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King Henry V. tween the two Popes, all Bishops Elect, and other

Persons, should be confirmed by their own Metropolitans, upon the King's Writ, without farther Excuse

or Delay.

On the 8th of April the King prorogued the Parliament to Monday in the third Week after Easter; when, being again assembled, the Chancellor told them, The Reason of the said Adjournment was not only on Occasion of the devout Time, but that an honourable Peace had been offered by the French, and that the Emperor Sigisfound was come into England to be the Mediator in it; in which the Commons were defired to give their Advice. But, though this is here mentioned in the Records, they give us no farther Account about it. The other Transactions of this Parliament are all on less public Affairs, no new Subsidy being either asked or granted; which might have been dwing to the great Riches the King had acquired, either by the vast Plunder at Agincourt, or the Ransom of Prisoners.

The following are the most remarkable Petitions in

this Parliament:

Petitions of the Commons.

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Petition. 6 That all Sheriffs, for the Fees of Knights 6 coming to the Parliament, might enter into all Li-

berties, except the Demesses of all Lords, and such

Towns as find Burgesses.

Answer. The Statute made 12 Richard II. should be kept.

Pet. 'That all Sheriffs might be discharged in the

• Exchequer upon their Oaths.

Anf. The King will be advised.

Pet. 'That all Owners of Ships, during the Time

of their being in the King's Service, might have three

Shillings and four Pence in the Ton above the ordi nary Freight.

Ans. The King would do according to Reason,

Pet. 'That all Men might go to the Parts of Iceland' to fish freely, as they used to do.

Anf. The King will take Advice.

Pet. 'That all the Ordinaries through the Kingdom

might, by an affigned Day, inquire, and certify into Chancery, the Foundations of Hospitals, with all

a He is stiled, in the Record, Le tres-bonorable Prince le Roy de Romains.

Circumstances, that Redress might be made in this King Harry V. Buliness.

And The Statute made at Leicester, 2 Henry V. shall

be observed.

Pet. 'That the King's Purveyors do take eight 'Bushels of Corn only to the Quarter, strik'd; and that they take up no Provision in the Market, without the 'Good-will of the Party, and ready Pay.

Ans. The Statutes made for that Purpose shall be kept. Pet. 'That some Remedy might be found for the Relief of the poor Clergy, much wasted, because the 'Universities swarmed with new Learning, by reason of the Statute of Provisors, which caused the old Faith ' to be neglected.'

Ans. At the King's Motion, the Bishops promised to

provide a Remedy for this Business.

Petros That the Penalty of suffering any Prisoner to 'escape, who was guilty of counterfeiting, washing, or clipping Money, might be 1001.

Ans. The Penalty shall be arbitrary, as before.

Pet. 'That all Writs of Subpæna, and Certis de 'Causis, going out of the Chancery and Exchequer, 'might be controlled, and not granted in Matters determinable at the Common Law, on Penalty of the ' Plaintiff's paying 40/. by way of Debt to the Defendant. Anf. ' The King will be advised.

It was also enacted in this Parliament, 'That where-' as several Bretons were come into the Kingdom, either Acts passed

'as Spies, or to carry Money and Jewels out of the 'Nation, all of them not naturalized, were, by Act of Parliament, required to go out of the Land, be-'fore the 24th of June ensuing, upon capital Penalty.' This was because the Duke of Bretaigne was confedrate with the King of France.

And whereas Provisions of Benefices from the Pope had been made Use of, to exclude from the said Bene-

aces the Incumbents who, by the Gift of the Patron, had long enjoyed them; it was therefore ordained by another Act, 'That no Incumbents should be molested under Protence of any such Provisions of the Pope: that whoever disquieted them, should incur the Penalties contained in the Statutes of Provisors before

made; and that they should be prosecuted by Process of · Pra-

King Henry V. & Pramunire facias formed against them; and that the

' Person who sued them should recover treble Damages.' Another Act passed, to make Clipping, Washing, and Filing of Money, Treason: And whereas, (by reason that it belonged only to the King's Justices before himself, or by special Commission assigned, to judge and punish this Crime) it was so boldly and generally practifed, that the Destruction of all the Coin was unavoidable, if halty Execution and Remedy were not provided: it was therefore enacted in another Statute, That the Justices assigned to take Assizes, in all the Counties of England, should have Power, by the King's Commissions, to hear, and determine in their Sessions, all fuch Causes concerning the debasing or falsisying the Coin of the Nation.' And whereas, contrary to the Custom in the Days of Edward III. when no more than Half a Crown, or a Crown at the most, was paid for proving a Will, the Ordinaries did now take forty or fifty Shillings: It was therefore ordained by another Act; That no Ordinary should take above that old customary Rate for the Probate of any Testament, upon Penalty of forfeiting to the aggrieved Person treble the Sum so received. This Statute was to stand in Force only to the End of the following Year.

These Acts being passed, and Henry, the Grandson of Henry Percy, Earl of Northumberland, who had so long been an Exile in Scotland, and who, in the Parliament held at Westminster, in the second Year of this King's Reign, had been restored to his Honours and Lands, having now, in the House of Lords, done Homage to the King sitting in his Chair of State, this

Seffion ended.

Strong Applications were now made, by Means of the Emperor and others, for a firm Peace between the two Nations; but that not succeeding, a Truce was concluded on to last only till Candlemas, and the King went to Calais, in order to meet the French Ambassadors and confirm it. He sailed from Sandwich, September 4, 1416; but, the Day-before, the King spread Writs for calling a new Parliament, dated at Sand-

a It appears by the Records that he had been left there by his Grandfather, as an Hostage, on some Agreement made between the Scats King and him.

wich, September 3, to meet at Westminster on the 19th King Hoory V. of Octaber following; before which Time the King returned back to England.

On the Day of the Meeting the Bishop of Winchefter open'd the Session with the usual Formalities; and, Anno Regni after quoting for his Theme this Latin Sentence, Operam detis ut quieti sitis, he alledged, 'That as God had in fix Days created all the World, and rested the At Westminstor, ' feventh; fo the King, agreeable to his Coronation Oath, had, in five former Parliaments, endeavoured to establish good Laws for just Administration at Home, and the fecuring of an honourable Peace Abroad: But that the French were so little inclined to comply. with the reasonable Terms offered them, that they refused to render the few English Prisoners they had taken at the Battle of Agincourt, or to ransom their own: That the King, provoked at the obstinate Injustice of an Enemy, who resolved not to do him Right in any Thing, was constrained to attempt the Recovery of. his own by Force of Arms. And fince, faid he, this is his Majesty's just Resolution, and that there is, indeed, no other Way to bring his Enemy to Reason, Bella faciamus ut Pacem habeamus, quie Finis Belli-Pax eft, he is determined to use Violence, and purchase that Peace with the Sword, which is not to be otherwise obtained.' He concluded with telling them. that the King intended to make use of their Counsel, and required them to chuse and present their Speaker to him.

On the third Day of the Session the Commons pre-ROCERFLOWER, fented Roger Flouer, Esq; who was accepted; and, to Esq; elected shew their great Zeal for the Cause the King was en-Speaker. gaged in, with the Consent of the Lords, they granted two whole Tenths and two Fifteenths, to be levied on the Laity; the Clergy also granted two Tenths on But all this being not sufficient, or their own Body. thought too dilatory for the King's pressing Occasions, at the same Time it was enacted, 'That all Persons who would lend any Sums of Money to the King, flould have Letters Patent to be paid out of the first Money raised by the Subsidy granted by this Parliament; and the Dukes of Clarence, Bedford, and Glou-

fester stood engaged for the Performance of this, in Case

King Heavy V. the King should die: Upon which many of the Bishops and Lords, whose Names are in the Parliament Rolls.

The Crown and readily subscribed; yet all was still so deficient, that the King's Jewels pawned for carrying on the Beaufort, Bishop of Winchester, for a vast Sum, and to borrow a thousand Marks of the Lord Mayor of London, upon the Security of many rich Jewels d.

An Act for a general Pardon, and several others, passed.

At this Time his Majesty was pleased to grant a general Pardon for all Crimes which did not concern Life, or Loss of Members.

An Act was also passed, 'That all Sheriffs should have Allowance upon their Accounts by Oath.' This had been petitioned for by the Commons in the former Session.

Also, whereas, by an Act made 12 Richard II. certain Rates of annual Wages for Bailiffs and other Servants of Husbandry were settled, and a Penalty ordained for any who gave or took more; by an Act now it was established, 'That the Taker only should incur this Penalty.'

Another A& ordain'd, 'That none of the Irish Nation should be elected an Archbishop, Bishop, Abbot, or Prior; and that whoever promoted such to those Ecclesiastical Preferments, or brought any such Irish Rebels to Parliaments, Councils, and other Assemblies among the English, should have all their Temporal Estates seized into the King's Hands, till they had paid the Fines due for such Offences.'

There was also an Act of Pardon, by which all Forfeitures, Fines, Debts and Demands, not exceeding Twenty-fix Shillings and Eight-pence, were remitted, and all Trespasses, Offences, Conspiracies, &c. pardon'd.

Besides these, and some other less remarkable Acts, the League and Alliance between the King and the Emperor Sigismund, was confirmed by the whole Assent.

d Henry Beaufort, Bishop of Winebester, on his own Account, lent the King 20,000 l.

e This Emperor came over to England, and employed his best Endeavours to mediate a Peace between the Crowns of England and France; but they all proved ineffectual, and all he could do was to settle a lasting Peace, on several Articles, between himself and the Crown of England. There is an Instrument in the Public Asts, under this Title, and refers to the next Parliament: Allegania cum Rege Romanorum, pro Forma Trastaus inde habita, Confirmatio in Parliamento. Dat. Vicessimo nono Die Osobris Reg. 4to. Fed. Ang. Tom. 1X p. 403.

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And, on the last Day of the Session, November 18, the King Honry V. King fitting on his Throne in full Parliament, created Thomas Beaufort, who was Earl of Dorfet, Duke of Exeter, who had also a thousand Pounds confirmed to him, to be paid yearly out of the Exchequer, and forty Pounds out of the Customs at Exeter. The Lords so approved of this Example of the King's Liberality, that they said no Objection could be made, but only that it was too little, and not proportionable to the Merits and Services of that Noble Person f.

In this Session Sir John Tibetot, who had so much diffinguished himself as Speaker of the House of Commons in the last Reign, was appointed the King's Re-

fident at the Imperial Court.

Henry, by the Affistance of his Parliament, having again raised Money for the Support of the War, and resolving to invade France early next Spring, great Levies of Men were made for that Purpose. He caused Proclamation to be made, that all Soldiers, who would ferve him in his Wars, should have twenty-five Crowns a Month; and invited them to partake in his Conquests, which, in all Appearance, would this Year be very confiderable. Other Means he took to render his Army formidable; but it was not till July, 1417, that he could get all ready to embark, and he landed his Army at Bevile, in Normandy, a few Days after, in spite of all Opposition.

John Duke of Bedford, the King's Brother, was left An Invasion of Regent during his Absence; and, whilst this victorious the Score deseat-Monarch was gaining many Victories and Towns in ed. France, the Scots thought proper to invade the English Borders; but, by the Conduct of the Regent, they were foon driven back again with Shame and Loss. After the Nation was thus delivered from the Dangers of this Invasion, the Duke Regent thought proper to call a Parliament, the Writs bearing Date October 5, and to fit the 16th of November following, at Westminster.

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At which Time and Place being affembled, in the Anno Regni 5. Painted Chamber, before the Regent, Thomas Langley, Bishop of Durham, then Lord-Chancellor, declared At Westminster.

f He was Son to the Duke of Exeter, beheaded at Cheffer for a Plot in the last Reign.

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the Cause of their Meeting, and took for his Them & Confortamini et viriliter agite, et gloriosi eritis. which Words he took Occasion to expatiate, and to fet forth their Happiness and Glory in the Reign of a King, who, during his Father's Life, had suppressed the Rebellion of the Wellh; and, fince he came to the Crown, had defeated the dangerous Conspiracies formed against the Church, and against his own Perfon and Government: Who had been so prosperous in War by the Conquest of Harsteur, and the Victory at Agincourt, and who now, with continued Successes, was subduing Normandy to the English Domi-That the chief Causes of their Meeting were to provide for the keeping of the Peace at Home, and due Observation of the Laws; to make Provision for the Support of the War, and to take Care for the Defence of the Marches of Scotland. That in all these Things it would become them, viriliter agere, to act strenuously; which, if they did, he then assured them of Honour and Glory; considering, Renumeratio Virtutum est Honor.' He concluded, as usual, with defiring the Commons to chuse their Speaker, and present him next Day to the Duke Regent. Accord-

ingly, on the third Day of their Sitting, Roger Flouers Efq; again chofen Speaker.

A Subfidy eranted.

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Elq; was again elected; who, with the common Protestation, was allowed: And, as a Testimony of their hearty Attachment to the King's Interest, and Zeal for the War, on the 17th Day of December the Commons, with the Affent of the Bishops and Lords, granted to his Majesty two full Tenths and Fisteenths's.

We shall conclude the Transactions of this Parliament with an Affair of an extraordinary Nature, which came before the Lords; and first give what the Record relates about it.

Proceedings againft Sir John Oldcafile, Lord Cobbam.

On Tuesday the eighteenth of December, and the twenty-ninth Day of this Parliament, Sir John Oldcaftle, of Cowling, in the County of Kent, Knight, being outlawed upon Treason in the King's Bench, and excommunicated by the Archbishop of Canterbury, for Herefies, was brought before the Lords; and,

& Sed Pecunia imprimis imperatur, quo Sumptus in Copias suo Tempore fant ; nempe nullus erat, cui id Bellum none maxime Cordi effet, widereturque tam utile quam opportunum. Pol. Verg. Lib. XXII. p. 449.

having heard his faid Conviction, answered nothing King Hours V.

thereto in Excuse: Upon which Record and Process it was adjudged, That he should be taken as a Traitor

to the King and Realm; that he should be carried to

the Tower of London, and from thence drawn through

London to the new Gallows in St. Giles's, without " Temple-Bar, and there to be hanged, and burnt hang-

ing.' The Record out of the King's Bench is at

large; the Effect whereof is, 'That the faid Sir John 'Oldcastle, and others, to the Number of 20,000 Men,

called Lollards, at St. Giles's aforesaid, did conspire to

fubvert the State of the Clergy, to kill the King, his Brothers, and other Nobles.' The Archbishop of Can-

terbury's Instrument for his Excommunication is there

also at large.

A Motion being made, that the Lord Powis might have the Thanks of the House, and the Reward in the Proclamation mentioned, for apprehending of Sir John Oldcastle, Knight, the Heretic, it passed in the Affirmative. ' Quid vultis mibi dare? cries out William Prynne at this Passage, 'The Brother of Judas craveth his Reward for betraying the Innocent; wherein it is not to be doubted but that his lighter Reward 'in this World was heavily revenged of God h.'

He adds, 'The Clergy, at this their own Parliament, cease not to rage and roar after Christian Blood. 'tanquam Leones rugientes; and whosoever did the Fault, they cry crucify Christ, and deliver us Barrabas; for now all horrible Mischiefs whatsoever were

'imputed to the poor Lollards.'

What we have more to add, relating to the Condemnation of this great Man, by his Peers, is chiefly from Walfingham; who, though a contemporary Historian, yet being a Monastic Writer, we may well suppose

h Cotton's Abridgement, p. 553. Mr. Goodwin, the Writer of Henry the Fifth's Life and Reign, in the Recital of the Contents of his Fourth Book, p. 150, mentions the Trial of Sir John Oldcafile, Lord Cobbam, in Parliament, as an Article; but gives not one Word of it in the Chapter.

The Price set on Oldcafile's Head, by the King's Proclamation, was 1000 Marks; with a Premise of perpetual Exemption from Taxes to any

Town that should secure him. Fad. Ang. Tom, 1X.p. 89. Walfingham makes use of this Proclamation as an Instance to shew how generally Wickliffe's Doctrine had affected the Minds of the People. that in so long Time there was not found any Man, whom so great a Reward could tempt to betray him.

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King Howy V. him as partial in the Recital as Mr. Prynne 1. He fays

When the Parliament was informed of Sir John Oldcastle's being taken in Wales by the Lord Powis, they ordered him to be fent for up. He was brought to London in a Horse-Litter, having been much wounded in the Conflict, and placed before the Duke Regent and the other Estates of the Realm; and the Indictment drawn up against him at the King's Bench, some Years before, for levying War against the King, was read in the House. Being demanded what he could alledge in Arrest of Judgment, he ran out into a Difcourse very foreign to the Purpose, about God's Mercies; and that all mortal Men, who would be Followers of God, ought to prefer Mercy above Judgment: and that Vengeance pertained only to the Lord, and that his Servants ought not to intrench upon this Prerogative of the Almighty. Thus he went on, fays our Authority, talking widely from the Business, till, at last, the Chief Justice desired the Regent to order the Prisoner not to make them lose any more Time, but to anfwer directly to the Point. After some Pause, he told them, it was a small Thing for him to be judged by them, or of Man's Judgment; and then began again to ramble from the Question, when the Chief Justice once more interrupted him, and bid him answer peremptorily, if he had any. Thing to object against the Legality of the Process. To this he replied, with a furprizing Boldness, & That he had no Judge amongst them, nor could acknowledge them as Judges, as long as his Sovereign Lord King Richard was living in Scotland. Upon this Answer a Warrant was instantly figned for his Execution, and he was ordered to be hanged and The first Part of his Sentence was for Treason. and the other for Herefy. Accordingly he was executed on a Gallows, built on purpose in St. Giles's Fields, being hung by the Neck in a Chain of Iron, and his Body, with the Gallows, confumed to Ashes.

Though this unhappy Nobleman's Paternal Name was Oldcastle, yet, by marrying the Lady Joan, Grand-Daughter to John Lord Cobham, and his Heir, he took the Title of Lord Cobham. He was Sheriff of Here-

fordshire,

1 Walsingbam Hypodig. News. p. 590. See also J. Stowe's Chron.

P. 355.

fordshire, in the eighth Year of Henry IV. and, as a King Henry V. Peer, had Summons to Parliament among the Barons in the a eleventh, twelfth, and thirteenth of that King's Reign, and in the first Year of Henry V. He had been honoured by Henry IV. with a considerable Command in those Troops, which, in the twelfth Year of his Reign, was sent over to affish the Duke of Burgundy against the Duke of Orleans.

In several Parliaments b he had frequently represented to three Kings successively, viz. Richard II. Henry IV. and Henry V. the insufferable Abuses committed by

the Clergy.

In 1301 he made a Speech in Parliament against the Pope's Power, and against the Removal of Causes to Rome to be tried there; upon which an Act passed, That no Person should transfer his Suit to the Pope, nor publish any Excommunications from him, on Penalty of Confiscation of Goods, and perpetual Imprisonment.

In 1395, and in 1405, he presented to the Parliament several Discourses, concerning a Reformation of

Discipline and Manners in the Church.

In 1395 he presented a Book of his own Compofure to the Parliament, in which he displayed the corrupt Manners of the Priests, and annexed some Verses to expose their abominable Practices, and to excite the

Justice of the Magistrates to punish them.

Many are the Disputes, between the Protestant and Popish Writers, about the Character of this Nobleman, who was the first Peer of England that suffered for Religion. The former crying him up as a Martyr to Truth; and the latter treating him with no better Titles than an Enthusiast, a Rebel, and an Heretic. Mr. Goodwin says, 'He had all the Qualities of a brave and gallant Gentleman, and was equally illustrious in Arts and Arms:' But, if what Walsingham relates of his Behaviour at his Execution be true, that when many Persons of Quality attended there, the last Words he spoke was to Sir Thomas Erpingham, adjuring him, That if he saw him rise from the Dead again on the third Vol. II.

Dugdale's Summons to Parliament, p. 381, 3, 5, 9.

b Balæus de Script. Britan.

• Faxe's Ass and Monuments, p. 740 to 774. State Trials, Vol. I. Collier's Ecc., Hift. p. 647, Sc.

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King Henry V. Day, he would procure that his Sect might live in Peace and Quietness d, we can look upon him, in this latter Part of his Life, as little better than a mad Enthusiast.

> In this Session the Letters Patent made for the Bishop of Winchester, for 21,000 Marks, to be levied out of the Customs of all Staple Wares sent from Southampton, to fatisfy the Sum which he had lent the King for the

War, were confirmed by this Parliament.

A grievous Complaint being made of Insurrections, of which the Lollards were suspected to be the Authors and Abettors, and a Petition being presented that Commission at all Times might be granted to inquire after them; Answer was given, 'That the Statutes provided in that Case should be executed.'

There was also a Motion offered, that no Collector for the Clergy should be appointed out of his Deanery: To which this Answer was returned, 'That the Clergy

• should appoint their Collectors.'

T 160] The King's France.

The next Year was wholly taken up with the gallant Actions and Conquests in Normandy and France, pergreat Success in formed by our young English Alexander, and concluded with the taking of the large and strong City of Roan, the Capital of Normandy; after which the rest of the Towns, yet untaken in that Province, easily submitted themselves to the victorious King. It was not till the Year 1419 that we meet with another Parliament. called in England, by the same Authority as the former : for Writs of Summons were issued out, in the Regent's Name, dated Aug. 24, for a Parliament to meet at Westminster on the 16th of October following.

Anno Regni 7. 1419.

On the same Day the Bishop of Durham, Lord-Chancellor, declared the Cause of the Summons, before At Westminster, the Regent and the other Estates of the Kingdom, and faid, 'That the King's Subjects had great Reason to revere him, and pray for his Welfare; fince, as he

could not obtain that Peace which he so often sought for, he had begun and carried on War Timore Dei;

which, being Principium Sapientiæ, the Effects of it were evidently shewn by the many Victories he had

gained with Honour: All which he took Care particularly

* Adjurans eum, ut si cerneret eum resurgere Die tertia, Pacem pro-curaret Setta sua. Walfingham, p. 400.

ticularly to enumerate. For his Theme he took these King Henry V. Words, Bonum facientes non deficiamus; and from thence told them, 'That his Majesty was in good 4 Health and Spirits; that he defired his Subjects would be careful to observe the Laws, and provide for the

Defence of the Realm; and, confidering that this Enterprize, so well begun, could not be now left off

without imminent Danger, he expected new Provifions to be made, that he might end the War to his

own Honour and their Advantage.

After the Receivers and Triers of Petitions, for England, Ireland, Wales, and Scotland, with Gascoigny, and the other foreign Dominions, were appointed, the ROGERFLOUZE, Commons presented Roger Flouer, Esq; once more, Esq; a third as their Speaker; and, on the 13th of November, they, Time chosen with the Bishops and Lords, granted to his Majesty Speaker. one full Fifteenth and one Tenth, and one Third of ano- A Subfidy.

ther Tenth and a Fifteenth.

But because it would be long before Money could be gathered from this Subfidy, and the King having great Occasion for a present Supply, another Loan was set on Foot, to be paid on the same Security as the last; that is, out of the Moneys arifing from the Subfidies now granted. We do not find that any of the Commons came in to either of these Loans; it is probable they were not rich enough in those Days; there were thirty Lords subscribed to it, amongst which we observe there were only feven Lay Lords, the rest were all Bishops or Abbots, with the Prior of Coventry; but it is not there specified what Sums they each subscribed.

It was also enacted, 'That the Lords of the Council Should have Power to establish Orders touching the

"Coin."

And, for the keeping the Money within the Nation, it was enacted, 'That all Necessaries should be bought at home for the King's Soldiers, and fent to them; and also that certain Woolls should be bought, and sent into Normandy to fell there, notwithstanding any Statute. for the Staple made to the contrary.'

The Queen Dowager's Confesior having accused her for conspiring the Death of the King, it was ordained, That all her Lands and Goods, with those of Roger * Colles and Petromel Brocart, her Sureties, should be L 2 feized,

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The Parliamentary HISTORY

feized, and paid to the King, and sufficient Warrant King Henry V. was provided for all who should pay the same i.

Henry marries Catherine of France.

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In the Year 1420, and the eighth of this King, the French War was brought to a Conclusion, by a Marriage between the Princess Catherine of France, and Henry King of England; whereby Henry was declared Regent and Heir Apparent to the Crown of France. In the Abridgement of Records there is a List of the Peers summoned to a Parliament to be held at Westminster on the 2d Day of March this Year, though no farther Account Anno Regni 8, is given of it. But we find, by the Rolls themselves, that a Parliament was summoned by the Duke of Gloucester,

1420.

At Westminster.

then Regent, to meet at Westminster on the 2d Day of December, 1420, and the eighth Year of this Reign. The whole Body being affembled before the Regent, then fitting in the Chair of State, in the Painted Chamber of the Palace, the Bishop of Durham, Chancellor, opened the Session in the usual Manner, and then told them, That the King their Sovereign had, in his Youth, flewn early Proof of his Courage and Conduct, by

fuppressing the Rebellion in Wales; and after, by the Deftruction of the Lollards, to the Abatement of He-

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refies within the Realm; and that he had fince recoe vered the antient Rights belonging to the Crown of

England, in the Parts beyond Sea towards France; and concluded all with a bleffed Peace and Unity between

them and their fometime Adversary of France, which must be to the great Pleasure of God, and perpetual.

Increase of Happiness to all this Realm of England.

The Chancellor took for his Text Inivit David Confilium; which how he applied we know not, for he only told them, in the Sequel of his Discourse, 'That the King, for divers weighty Confiderations, being obliged

to flav abroad some Time longer, desired, above all Things, the Prosperity and good Governance of this

Realm; and particularly recommended to the Wifdom and Care of this Parliament, the Poverty of the

· People, and the great Scarcity of Money there was

amongst them, and to provide some Remedy for that great Evil.'

The 1 For the fullest Account of Queen Joan's Conspiracy, see Goodwin's Hiftery of Henry V.

The Receivers and Triers of Petitions being appointed, King Henry V. and the Commons directed to chuse their Speaker, on the next Day they presented Roger Hunt, Esq.; for that Roger Hunt, Office; who, being approved on by the Regent, made Eq.; chosen speaker, the usual Protestation, which was granted.

The first Affair this Parliament went upon was to make an Act, or Ordinance, to this Effect: 'That forasmuch as, by the Grace of God, a final Peace was lately made between our Sovereign Lord the King and the King of France, his Father-in-Law, in such Manner that our faid King is declared Heir and Regent of the Realm of France, during the Life-time of his faid Father. and to have the fole Government of the same; and that, after his Death, the faid Kingdom and Crown of France should be the Inheritance of our Sovereign Lord the King, and his Heirs for ever. And as it is most likely that, for the better Government of both Kingdoms, the King will be obliged to refide fometimes in this, and fometimes in the other beyond Sea, as it may feem best to his Discretion; therefore be it enacted, That, if a relating to the Parliament should be summoned by the King's Lieute-Conquest of nant, and the King arrive foon after the Writs were France. issued out of Chancery, yet that Parliament should not be diffolved, nor new Summons made; but that it should meet by Virtue of the former k.

This was the first cautionary Act that was made for Security against any Inconvenience that might arise from the uniting of England to France; but the Reader will find some much stronger in the Sequel. And amongst the Petitions of the Commons in this very Parliament, in the next after that for Holy Church, and that all Perfons, Corporations, and Burghs may enjoy their Liber-

ties and Franchises, is one to this Effect:

'The Commons, with the Advice and Assent of the Lords Spiritual and Temporal, in this present Parliament, pray that it would please your thrice-gracious Lordship to supplicate, move, and excite our most gracious Sovereign Lord the King, and his no less gracious Queen, his Confort, to return and come into this Kingdom, in Petitions on the as short a Time as it shall please his Majesty, to the fame, great Comfort, Support, and Relief of his faid Com-

L 3 mons.'

* Rot. Parl. 8 Henry V. No, 7. See also Statutes at large, An. ibid. cap. i. ii.

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King Henry V. mons.'—The Regent's Answer was, 'That this Request pleased him very well, and that he should move

6 the King as effectually as he could in it 1.

By another Petition this Parliament m, the Commons pray, 'That whereas King Edward, Great Grandfather s to the present King, held a Parliament at Westminster in the 14th Year of his Reign over England, and the first of France, it was thought reasonable that, considering the Crown of the latter Kingdom was by Right devolved upon the faid King, and that, as King of France, this Kingdom would be put under Subjection to the King and Realm of France for Time to come, the faid King Edward, having due Regard for this Nation, and that it should never be in Subjection or Obedience to the other, with the Confent of that whole Par-Iliament granted and established, for him and his Succeffors, that altho' he was then really King of France, and that he stiled himself such, and had alter'd his Arms and Great Seal accordingly, yet that neither this Realm 6 of England nor the People of it, of what Condition foever, should at no Time be subject to him, or his Succeffors, as Kings of France, but should remain for ever as frank and free, in all Things, as ever they were in the Times of his Noble Progenitors, Kings of England. And because that, at this Time, our present most gracious King, by the Help of God and his own great Courage and Magnanimity, is at present Heir and Regent of France, and that after the Death of Charles now King thereof, our faid Sovereign Lord and his Heirs will · be, by the Grace of God, Kings of France for ever, that it would please his Noble Grace the Duke of Gloucester. Regent of England, to ordain and establish, by Authority of this present Parliament, that the aforesaid Grant and Establishment, made by the said late King Edward, · should be kept in all its Points. And further to ordain. 5 by the Authority above, that, by reason our said Lord the King is now Heir and Regent of France, and that he and his Heirs, after the Death of the said Charles, will be Kings of France, that the faid Realm of Eng-· land, and the People of it, of what Estate and Condition foever, shall not be under any Subjection or Obedience to him, or his Heirs and Successors, as Regent or Kings

> 1 Rot. Patl. 8 Henry V. No. 13. m Ibid. No. 25.

of France, but shall remain free and independent from King Heavy V. any such Subjection for evermore.

Answer. Let the Statute before made be kept and

guarded.

Lafly, 'The Commons pray, That because several Lafly, 'The Commons pray, That because several Lords of this present Parliament have said that the Petitions of the Commons made now to the Most Noble Prince the Duke of Gloucester, Regent of England, fould not be engrossed before they were sent abroad to our Sovereign Lord the King, for to have his Royal Assent and Advice, that it would please the said Duke Regent, that all the Petitions now presented by the Commons should be answered and determined within and during this Parliament; and that all Petitions that remain unanswered should be held for void and of no

The Regent's Answer to this last Petition was, That

Effect; and that this Ordinance should be in Force and take Place in every Parliament of England for the

he would-be advised by the King n.

'Time to come.'

These were all the Remarkables that passed in this Parliament; how long it subsisted as such is not specified on the Rolls; but it could not be long, because Christmas

was near, and we find no Prorogation.

The Reader must observe by these last Proceedings, that a great Jealousy was then in this Nation, that their King's mighty Acquisitions abroad would not turn to any Advantage to them at home; but rather that this small Kingdom of England was in Danger of being swallow'd up and lost in the much greater Dominion of France. This Consideration, no doubt, caused the Patriots of those Days to make these cautionary Acts, to secure, as much as possible, the Laws, Liberties, and Interests of this Kingdom from being subservient to those of any any other; which must always be in Danger whenever any Continental Views interfere with the real Interest of this Island.—But to proceed with our Design.

The next Year, 1421, King Henry, covered with Laurels, came into England with his young Queen, and were both received here with all possible Joy and Magnificence. Soon after the King sent out Writs for call-

ing

King Henry V. ing a new Parliament, dated at Westminster, Feb. 16. and to meet there on the second Day of May following 3 Anno Regni 9. when being all affembled before the King in the Painted 1421. Chamber, as usual, the Bishop of Durham, still Lord-At Westminster. Chancellor, by the King's Command, opened the Cause

of the Summons to this Effect:

He commended the King highly for many notable Causes; particularly, that notwithstanding the Victories and Conquests which God had blessed his Labours with, he would have nothing ascribed to himself, but only to the Most High; according to what the Chronic * rells us of that very valiant Emperor Julius Cæsar, · Qui de Gestis suis propriis audire noluit, propter metum Elacionis: And also for that which happened to Job. who, when he was fitting at a Feast, and the News came to him of the Death of all his Children, said, Deus dedit, Deus abstulit, sicut Deo placuit ita factum est; sit Nomen Domini benedictum; so also our Sovefreign Lord the King, when he first heard of the Death of that Most Honourable Prince the Duke of Cla-5 rence, his most dear Brother, with the rest of the valiant Knights and others flain or taken in his Company, he praised God, and thanked him equally for this his · Visitation of Adversity now, as he had before done in his Prosperity, according to the Prophet, who said, Laudans invocabo Dominum; and these last Words the Chancellor took for his Theme.

In declaring further the Cause of the Summons of this present Parliament, the Orator observed, 'That it was for the Reformation of all Riots and Excesses which had been made in the Land fince the King went Iast abroad, and particularly by some who had been in his Service. That Justice might be done to every one, and that the Laws and Statutes of the Realm should • be well guarded and observed, for the Ease and Security of the People. Lastly, For the better Govern-• ment of this Nation, the King had called this Parlia-"ment to have their good Advice, and Judgments how to bring Matters to such a Point as would be most conducive to the King's Honour, most profitable to the whole Community, and most pleasing to Almighty f God.

The

The good Bishop closed his Discourse with acquaint-King Henry V. ing his Audience, 'That Receivers and Triers of Petitions were appointed for Examination of such from all the Dominions subject to the English Crown: And told the Commons to retire to their own House and Thomas Chay-tchuse a Speaker, so as to present him the next Day to cra, Esq; chothe King;' and accordingly they presented Thomas sen Speaker a Chaucer, Esq; once more; who, making the usual Profourth Time.

teltation, was accepted.

We shall next give the Heads of all the public A&s that were made in this Parliament: And, first, an Act 'For regulating the Gold Coin of this Kingdom, then faid to be much debased by Clippers and Coiners o; to call it all into the King's Mint in the Tower of London, there to be new-coined, according to the Standard, and delivered out again to the several Owners, allowing reasonable Fees to the Mint-Master and his Officers.'-An Act 'To give the King a Power, with the Advice of his Council, to remove the Staple of Wooll from the Public Acts in Town of Calais to such Place as he pleased, and seem'd this Parliament, most profitable for him and his whole Kingdom, to remain there for three Years.'---An Act 'For giving Security to the King's Creditors.'—Another 'Against ignorant Quacks, and Practifers of Physic and Surgery.'-'Against the Scholars of Oxford, for committing divers great Riots in that and the neighbouring Counties.' A long and fevere Act made against them.

Henry Beaufort, the rich Bishop of Winchester, and illegitimate Uncle to the King, it seems, had lent him a large Sum of Money during the Exigencies of the late French Wars. In this Parliament a Petition was promoted by the Commons to the King and Lords, intimating, 'That whereas the Bishop of Winchester had lent his Majesty, on his late pressing Occasions, and for the Ease of his poor Commons, 14,000 l. over and above the Sum of 8306 l. 18 s. 8 d. formerly borrow'd of him; for which the Bishop had the King's Letters Patent granted him for his Security; the Commons now pray that the said Letters Patent may be ratisfied and confirmed in this Parliament, for the greater Security of the said Bishop, and that they might be entered on the Rolls of the same.'

Aç-

King Henry V.

Accordingly we find these Letters Patent on the Rolls of Parliament. They are very long, but are in full, containing a Security, by way of Mortgage, on all and fingular Subfidies granted to the Crown, to receive them at fuch and fuch Times of Payment, and Sums, as is specified in these Patents. Also all Manner of Duties and Customs upon all Sorts of Goods and Merchandizes imported or exported at the Town of Southampton, and several other Ports in England, till all the Debt due to the Bishop should be fully cleared off and discharged.

The Article of Moment that comes next on the Rolls, is a formal Instrument drawn and entered, containing the whole Parliament's Approbation and Ratification of the Peace concluded at Troyes between Henry King of England and Charles the French King, which was done May 21, 1420, just a Year before. And as this Peace had been ratified and confirmed by the three Estates of France, in a Parliament affembled at Paris on the 10th Day of December last before, so now the several Articles Frence confirm'd of it, being first carefully read and examined, were in

by Pailiament, the fame Manner agreed to and confirmed by the three Estates of England, in full Parliament assembled at Westminster.

It seems as if this Parliament was principally called for the Confirmation of this Peace; for tho' there were many Things besides done at it, and which are on the Rolls, yet none regarding the Public, but private Properties. It is observable also, that not one Subsidy was either ask'd or granted at this Meeting; and, amongst the Petitions of the Commons, with the King's Answers to them, there are none fignificant enough for our Pur-

During the Sitting of this Parliament (of whose Conclusion there is no Account given on the Rolls) Catherine Princess of France, whom Henry had married before he came into England this Time, and was the strongest Cement to this Peace, was crowned at Westminster with the greatest Solemnity.

Soon after the Breaking-up of this Parliament, Henry found himself obliged to go abroad again, against his Brother-in-Law the Dauphin of France, who never came into this Peace, but kept a continual War with England. England both in this Reign and the next, and even un- King Henry V. till he had regained every Foot of Land in France which his Father or himself had lost: However, our Henry V. was as successful against the Dauphin as he had been against the other, and was carrying on his Conquests with great Rapidity. In the mean while the Duke of Gloucester administered the Regency in England with great Wisdom and Fidelity. This Governor thought fit to call a Parliament, which met at Westminster on the first of December, in the same Year as the former. The Bishop of Durham opened the Session with a formal Speech, or rather a Sermon, of little or no Significancy; except that in the Conclusion he told them. 'They ought to establish good Laws, and defend the Frontiers of their Country with manly Courage against the Scots Invaders.'

On the third Day of their Sitting the Commons pre-RICHARD BAYfented Richard Baynard, Elq; to the Regent for their fen Speaker. Speaker; and the same Day, with the Consent of the Other House, they granted the King one Tenth and one A Subsidy, Fisteenth, to be levied on the Laity; but with this Condition, fays Walfingham, that the first Half of it should be paid in the Money then current. It was also ordain'd. 'That all fuch Money, with other, should pass till the 25th of March, if it was not notoriously clipp'd and wash'd q.' The Gold Coin had been lessened in the Value by Clipping and Washing, therefore the Parliament ordained, for the Relief of the People, 'That the Receivers of the Tax should take all such light Pieces. if they did not want in Weight more than 12d. in the Noble; or, if they did, those who paid them were to make up the Defect.' The People therefore put off their Several Acts for Gold as fast as they could, and hoarded up their Silver: Coin. By which the King, though then under Necessities for Money, was contented to lose almost 3s. in the Pound.

for the Benefit of the People. Several more Statutes were made this Seffion of Parliament, relating to the Coinage, the Heads of which are as follow:

That

P His Name is fpelt Banyard on the Record.

Walfingbam, ibid. Fabian's Chron. Fol. clxxviii. Daniel in Kennet,

P. 335.

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Anno Regni 👡

At Westminsters

⁹ Hift. Aug. p. 406. Nec Tonsione vel Lotione enormiter diminutum. This shews that the Custom of clipping and washing Money is antient.

King Heavy V. . That all the Statutes unrepeal'd, concerning the good and lawful Management of Gold and Silver, should

be strictly observed and executed.

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That the King should appoint his Exchanges of the Money of Gold and Silver in the City of London, and other Towns, to be kept in open Places in High Streets, for the Ease of the People; and that all who came to the Tower of London to have Money new coined, should have it delivered to them within eight Days, according to the Value of what they brought, paying for the Coinage of Gold at the Rate of 5s. in the Pound; and for coining a Pound of Silver, 15d. And that fuch who would not bring their Money to the Tower, but delivered it into the King's Exchanges, should pay a Penny in the Noble, and so proportionably.

Another was, 'To oblige all the Masters and Workers in the Mint to make due and prompt Payment of the new Money, either by Weight or Number, to all who brought in their old; and that if there was any Default in the new Money, either as to Weight or Alloy, the Masters of the Mint should presently change it, and melt

it down.'

Also it was enacted, 'That the Wardens, Surveyors, and Ministers of the Exchanges out of the Tower, should not divert the Gold and Silver received by them to any other Use, but should be obliged to bring it to the Mint to be coined, that there might be the fuller Circulation of Money through the Kingdom.'

A Mint was also established at Calais, in the same

Manner as at the Tower.

And it was likewise ordained, 'That the new-coin'd Money should be of as good Alloy and Weight as the

Also, 'That the Chancellor of England should deliver, to those who would have them, good and just Weights of the Noble, Half Noble, and Farthing of Gold, to prevent the People's being abused by such as were counterfeit.'

The Sheriffs and Justices of Peace were also required to make a Search after all Falsifiers of Weights, and to keep them in Prison till they had made Fine and Ranfom at their Discretion.

Aв.

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An Act having been passed Anno 14 Richard II. King Henry V. wherein it was ordained, 'That for every Exchange made by Merchants in the Court of Rome, or in other Parts, they should be bound to buy, within three Months following, Merchandizes of the Staple, to the Value of the Sum so exchanged, upon Forseiture of the same: And whereas the Merchants had represented to the Parliament, that the Time allotted was too short to buy fuch Merchandizes, and thip them; and that, in Default of Exchanges, the Money of the Nation would be carried beyond Sea:

It was therefore enacted, 'That all Merchants, who should make such Exchanges, should be bound personally in the Chancery, by Recognizance, to buy, within nine Months following, the Merchandizes and Com-

modities aforesaid.'

As the Parliament granted the King a Tenth and Fifteenth, so a Convocation, which had met at York on the 22d of September foregoing, gave him a Tenth; and the Duke of Gloucester required the Archbishop, by an Order, dated Oct. 27, to appoint some of his Clergy to be the Collectors, and to return their Names into the Exchequer before Easter.

This was the last Parliament called in the Reign of Henry V. who died of a Dysentery, August 31, 1422, The Death of at Vincennes, in France, and in the tenth of his Reign b. Henry V. In the Midst of his Conquests, and in the Zenith of his Age: was this great King fnatched away; leaving one Son to succeed him, an Infant scarce nine Months old.

The glorious Reign of this Prince has furnished all our general Historians with Abundance of Matter for railing the most finished and exalted Character: But though his victorious Sword cut them out Work enough to follow, yet these Inquiries, under a civil Capacity, have not been much enriched thereby; for Henry strictly purfued his Father's last Advice to him; and, by amusing his Subjects with this foreign War, kept them all quiet and peaceable at home. By these Means his Title to the Crown was never once called in Question all his Reign; and as long as either England or France remain, or any Memoirs continue in either of them,

There is an Instrument in the Public Acts, dated Teste Rege apud Cafrum de Bois de Vincen. 30 Die Augusti, which was the Day berote he died. Feed, Ang. Tom, X. p. 251.

King Henry V. his Virtues and brave Actions will be revered and colebrated, as the Glory of the one and the Terror of the other.

To close up this poor and impersed Sketch of this great Prince's Character, we shall only add what a contemporary Monastic Chronicle has lest us of it. It is there said that Henry V. at his coming to the Crown, made it one of his first Acts to convey King Richard's Body from Langley, where it had been ignobly interr'd, to Westminster, and deposited it near the Tomb of St. Edward, King and Confessor. This was done, according to the Piety of those Times, to make some Attonement for the Cruelties exercised against Richard, as his Deposition, and Sentence of perpetual Imprisonment, which this King Henry by no Means approved of; and all those who had been instrumental in his Death, he look'd upon as guilty of High Treason.

TAXES in this King's Reign.

Taxes granted in his Reign ;

In his first Year he had the like Subsidy on Staple Ware, Tonnage, and Poundage, for four Years, as had been given to his Father in the 13th Year of his Reign.

In his second Year an Act was passed, whereby the Priories Alien, who depended on some Capital Abbies in Normandy, that received the Profits of them, should be vested in the King for carrying on a War against France.

The same Year the Parliament granted him two whole Tenths and two whole Fisteenths, to be levied on the Lairn.

on the Laity.

In his third Year, in a Parliament called by John Duke of Bedford, then Regent, there was granted the same Subsidy on Wooll, &c. with the same Tonnage and Poundage as in his first Year, but to hold during the King's Life. They also gave one Fisteenth and one Tenth to support the War against France.

In his fourth Year he had two whole Tenths and two Fifteenths, to be levied on the Laity; the Clergy also granted two Tenths on their own Body: But this being

not

e Qui quidem Regis Richardi Depositionem, ac ejus perpetuam Incarcerationem, nullatenus approbans; sed omnes qui Cauja ejus Mortis extiterant, Proditionis reos fore disjudicans. Hist, Croylandeasis Continuatio, ad An. 1414. not sufficient, he was obliged to pawn his Crown and King Henry V. Jewels to carry on the French War.

In his fifth Year he had two full Tenths and Fif-

teenths.

His fixth Year was wholly spent on the Conquest of [169]

In his feventh Year the Parliament granted to his Majesty one Fifteenth and one Tenth, and one third Part of another Tenth and Fifteenth.

In his ninth Year he had one Tenth and one Fif-

teenth. The Clergy a Tenth.

Our Historians are very deficient in noting the Prices of Provisions in this Reign; their Pens are so employed in describing the glorious Victories of this English Hero, that they seem almost to have forgot Domestic Affairs. Fabian's Chronicle however tells us, That, in the Year 1416, Wheat was so dear as to be sold for 16s. a Quarter: And that in 1422 it fold for 8s. and Malt And Value of at 5s. A Ram sold also for 8d. and by the Parliament Money. Rolls we find that Gascoign Wines were ordered to be sold for 6d. a Gallon; Rhenish and Rochelle Wines at 4d.

HENRY

HENRY the Sixth was an Infant of about nine [170] Months old when he began his Reign. Some Authors affirm, that he was proclaimed King of all his The Accession of Dominions, both at London and Parts; but he could King Henry VI. not then be so proclaimed King of France, because Charles VI. was still living; and, by the Treaty of Troyes, the King of England was not to be stiled King of France till after Charles's Death. But that happening very foon after, for he died within less than two Months of King Henry V. the Infant King was proclaimed King of France and England, in Paris, and in the other Parts of France, by the Name of Henry the Second in that Kingdom, though the Sixth in England. John Duke of Bedford, the young King's Uncle, was constituted Regent of France; and after the Death of Charles, who was the strongest Support to the English Interest in that Kingdom, had Work enough upon his Hands to defend what they had got from the Efforts of the Dauphin of France, who caused himself also to be crowned King at Poittiers.

Anno Regni 1. 1422. ,

Whilst these Affairs were in various Agitations abroad, the same Year, Anno 1422, Writs of Summons were issued out, in the young King's Name, dated September 29, for a Parliament to meet on the Monday next before the Feast of St. Martin, at Westminster. And, on the same Day, before any other Business was At Westminster. begun, a Commission directed to Humphrey Duke of Gloucester, the King's Uncle, empowering him to hold the Parliament in the King's Name, was read in the Presence of the said Duke, sitting in the Painted Chamber, and before the Lords and Commons assembled a.

> 2 The Commission itself, being one of the first Acts of State done by this Infant King, may not be incurious to the Reader.

> HENRICUS, Dei Gratia, Rex Angliae, et Franciae, et Dominus Hiberniæ, omnibus ad ques, &c. Salutem,

> Sciatis quod, cum, de Avisamento Concilii nostri, pro quibusdam arduis et uegentibus Negotiis, nos, Statum et Defensionem Regni nostri Anglia, ac Ecclesiæ Anglicana, contingentibus, quoddum Parliamentum nostrum, apud Westmonasterium, Die Lunæ, proximo ante Festum Sanai Martini, proxuno futurum, teneri ordinaverimus. Et quia vero, propter certas Causas, ad Parliamentum prædictum, personaliter, non poterimus interesse; ac de Circumspectione et Industria, cariffini Avunculi nostri, Humfredi Ducis Gloucestriæ plenam Fiduciam reportantes; sidem Avunculo noftre, inchoan-

After which Henry Chicheley, Archbishop of Canter-King Henry VI. bury, by Command of the faid Duke, the King's Com-[171] missioner, declared the Cause of calling the said Parliament, and took for his Theme, Principes Populorum

congregati sunt cum Deo.

In discoursing on which Words he introduced many notable Examples and Apothegms; and, amongst them, observed. 'That God of his great Mercy had left Issue unto them of the most victorious Prince Henry, begotten of the Royal Blood of France, whereby the fame Issue was now become King of England and That, as all Perfections were comprized within the Number of Six, fince God had made all Things in fix Days, so his divine Majesty was to accomplish the good Beginnings of the famous fifth " Henry, in the fixth Henry his Son; who, he added, would that all Estates and Persons should enjoy their full Liberties.' He then declared, 'That, confidering the King's-tender, Age, this Parliament was called for three Causes; the first, for the good Governance of the King's Person; the second, for preserving the Peace; and, lastly, for the sure Desence of the Realm. that it principally imported them to provide some honourable and discreet Persons for the Governance aforefaid, in which they all ought to give their best Advice, he defired them, in this, to follow the Counsel which Jethro gave to Moses in Exodus, viz. Such as feared God, wife, religious, hating Covetousness, puilfant, &c.' And then concluded with defiring the Commons to chuse a Speaker, and present him next Day to " the Duke."

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for England, Ireland, Wales, and Scotland, with Gaf-Vol. II. dum, et in eo procedendum, et ad faciendum omnia et fingula, quæ pro nobis, et per nos, pro bono Regimine et Gubernatione Regni nostri prædicti, ac aliorum Dominiorum nostrorum, eidem Regno nostro pertinentium, ibidem fuerint facienda. Nec non ad Parliamentum illud finiendum et dissolvendum, de Assensu Constiti nostri, plenam, tenore Præsentium, committimus Potestaae Agenju confish north, petnum, tenore Tezerniem, comminum Lotequa-tem. — Dantes ulterius, de Affensu ejusdem Constili nostri, tam universis et singulis Archiepiscopis, Episcopis, Abbatibus, Prioribus, Ducibus, Comitibus, Baronibus, et Militibus, quam omnibus alvis quorum interest, ad Parliamen-tum nostrum prædictum sonventuris, similiter Tenore Præsentium, firmiter in Mandatis, quod eidem Avunculo nostro intendant in Præmissis, in Forma

Receivers and Triers of Petitions being appointed

supradicta. In cujus, &c.

Teste Rege apud Westmonasterium sexto Die Novembris, per Breve de privato Sigille. Foed, Ang. Tom. X. p. 257. Rot. Parl. 1 Henry VI.

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King Heary VI. coigny, other foreign Parts, and the Isles, on Taesday, being the second Day of the Parliament, the Commons Roger Flours, presented Roger Flours, Esq; b to the Duke and Lords Esq; a fourth for their Speaker; who, with the usual Protestation, was allowed.

The two Bishops of Durbam and London, the former having been Chancellor of England in the late Reign, and the other Chancellor of the Duchy of Normandy, who had both delivered the several Seals of their Offices to the Duke of Gloucester, prayed to be discharged by Act of Parliament, and that the same might be inrolled; which was granted. It was then also enacted, That the King's Stile and Titles should be changed, and that upon all his Seals should be engraven this Motto, Henricus Rex Francise & Anglise, & Dominus Hiberniæ.

At the Request of the Commons, the Duke of Glowcester declared to them, that the King had appointed the Bishop of Durham to be his Chancellor; William Rindrose, Treasurer of England; and John Stafford, to be Keeper of the Privy Seal; for all which Offices their Patents were made, and confirmed by Parliament.

The King, by his Letters Patent, confirmed also by Parliament, appointed John Duke of Bedford Proposited.

A Protector ap-tector and Defender of the Realm and Church of Engliand, and Chief Counsellor to the King; but because the said Duke was then beyond the Seas, it was enacted, That, during his Absence, Humphrey Duke of Glouce cester should supply the said Office; which said Duke

took upon him the Dignity aforesaid, under a Protestation that it should be no Prejudice to the Right

of his Brother .' And it was also enacted, That the Protectors shall, during the King's Minority, dispose of all the Offices of the Forests, Keepers of Parks, and

Warrens; and that all Benefices in the King's Gift, being above the Value of twenty Marks, should con-

tinue in their Disposal during their Lives: And it is
The Parliament likewise said, that the Protector's Salary was settled then

names Guardians at 8000 Marks a Year. The Parliament also appointfor the young
King.

b Regier Floure on the Record.

c The Instrument for constituting the Duke of Bedford Protector, and, in his Absence, the Duke of Gloucester, is also in the Public Ass, Tom. X. p. 261.

ed Governors to take Care of the King's Person and King Henry Vis Education, who were Thomas Beaufort, Duke of Exeter, and Henry his Brother, Bishop of Winchester, both Great Uncles to the King.

And it was then enacted, 'That all Estates should have their Liberties confirmed, which have not been revoked, without the Word Concedimus to be in any of the said Confirmations: And that all Writs, Commissions, and Dependents of the same, made by the King's Council, relating to this Parliament, be

'confirmed by the Authority of the same.

'And whereas the late King Henry V. constituted and appointed Henry Lord Fitz-Hugh, Walter Hungerford, Walter Beauchamp, Lewis Robfart, William Porter, Robert Babthorpe, Knights, and John Wood-bouse and John Leventborpe, Esquires, Executors of his Last Will and Testament, the King granteth now to them 40,000 Marks for the Performance of the said Will, and 19,000 Marks due to the Executors of Henry IV. by Oversight of the Supervisors of the said Will from the Duke of Gloucester, and other Lords there named.' A Schedule thereto annexed containeth the King's Letters Patent for the said Sum.

The Commons, with the Assent of the Bishops and Lords, granted to the King the same Subsidy on A Subsidy. Woodlen or Staple Wares, Tonnage and Poundage, as formerly, for two Years to come c. And it was also enacted, That all such Petitions as are not de-The Govern-termined in this Parliament, shall be reserved to the ment established King's Council, to be concluded according to their during the Minority. Discretion. Also certain Bishops, and Lords and others, were then named to be Counsellors and Assistant to the Lord-Protector in the Governance associated. And that all Justices of Peace, Sheriffs, Escheators, Collectors of the Customs, Comptrollers, Whichers Scoreshars and other Officers has placed on

Weighers, Searchers, and other Officers be placed, or displaced, at their Determination. That these Coun-

fellors may have the Advantage of all Manner of Wards, Marriages, Farms, and other Cafualties of

the Crown. And that nothing be ordained in Council but by Six at the least, or more; and, in all great

M 2 Causes.

c The Grant of this Subfidy is entered on the Rolls în the English of the Times, as was the last.

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v:__

* When the King is to be conferred withall, that nothing be done without the Assents of the Dukes of Bedford and Gloucester. That the Treasurer of England and the two Chamberlains of the Exchequer may have each of them a Key to the King's Receipt; but that they be sworn, in Council, to make none privy thereto but the Members thereof. That the Clerks of the Council be sworn to take down duly the Names of such of the Counsellors as attend, and to register truly all their Ordinances.' All which Articles were enacted and confirmed by Parliament; with a Proviso, That all such Officers as held the same for Life, or otherwise, may be allowed to appoint Deputies, any of these Articles notwithstanding.'

Several good Laws passed. These excellent Rules and Ordinances being ratified in Parliament, all possible Care was taken for the good Governance of the Realm, during the King's Minority. The other most memorable Transactions of this Parliament were, first, a Statute was enacted, 'That all fuch as were imprisoned in any of the King's Goals for Heresy, or Lollardy, should be delivered to the

'Ordinary to be punished.'

Upon two Petitions of Katharine, Queen Dowager of England, the King, in Performance of the League made between the French King and Henry V. his Father, by two Letters Patent, granted to the said Queen, for her Dowry, sundry Manors, Customs, and other Hereditaments in the Principality of Wales and Duchy of Lancaster, there named, to the clear yearly Value of 40,000 Crowns, two of which are to be of the real Value of an English Noble; all which Dowry and Letters Patent were confirmed in Parliament with several Provisos.' The whole is of a very great Length on the Roll.

* Ann, Countess of Stafford, Daughter and Heir of Eleanor, one of the Daughters and Heirs of Humphress de Bobun, late Earl of Hereford, Essex, and Northampton, and Constable of England, recited a Partition made between Henry V. and her, of the Earl's Inheritance, in the ninth of his Reign, at which Time:

certain Knights Fees in groß were not divided;

wherefore the now prayeth Remedy for those, as

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well as concerning certain Members belonging to the King Henry VI-Castle of Brechnoch in Wales.'

Answer. The King's Council shall have Power, by Au-

thority of Parliament, to settle the same.

6 Bartholomew Goldbeater, Master of the Mint, with6 in the Tower, requireth larger Commission, touching
6 the Coinage and Exchange of Money, in the said
6 Tower, although it be ordered by the King that no
6 Minter should hold the Exchange; an Ordinance was
6 made that the said Master should keep the Exchange
6 till the next Parliament, so that he take not above
6 three Half-pence for the Exchange of a Noble.

It was enacted, 'That Thomas Chaucer, Chief Butler to the King, shall hold the said Office during his Life, according to the Letters Patent made to his Father Geoffry Chaucer, and to himself by King Henry IV.'

A Statute was made 'That the King's Council might affign Money to be coined in as many Places as they pleased.'—Another, 'That all the Statutes relating to Purveyors shall be proclaimed, in every County, four Times in a Year.—What Sort of Irishmen, only, may come to dwell in England.

That the Master of the Mint shall send to the Mint to be coined all the Gold and Silver that shall come to his Hands by Exchange. A certain Allowance shall be made to those who were returned to serve King Henry V. in his Wars out of the Gains of the Ward. Those Jewels which King Henry V. did mortgage, shall be redeemed or forseited, saving the Jewels of the Crown.

The last Thing that we find worth Notice, amongst the Transactions of this Parliament, is 'That Humphrey' Duke of Gloucester had granted to him, by Authority of the said Parliament, the Offices of Lord Great-Chamberlain and Constable of England, with all the Profits thereunto belonging, to continue to him during the King's Pleasure. The Petitions of the Commons, this Parliament, are but sew, and those of no great Significancy.

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The next Year another Parliament was called by Writs, dated September the first, returnable on the 20th

d These are said to be maimed or decrepid Soldiers, called now Invalida. Statutes at large, An. 1 Henry VI. cap. 1, 2, 3, 4, 5.

Peers.

King Henry VI. Day of October following. It is remarkable, that a much smaller Number of Peers were summoned to this and the last Parliament, than usually; from whence we Anno Regni 2. conclude, that the greatest Part of the English Nobility, at that Time, were engaged abroad, as Governors of At Westminster. some conquered City, Town, or Fortress; or otherwife with-held by some important Post in the Army. A List of those called to this Meeting is as follows:

Names of the Humphrey Duke of Gloucester. Henry Earl of Northumber-Ralph Earl of Westmoreland. Thomas Lord De la War. William Lord Ferrers, of Groby. Fahn Lord Welles. Fobn Lord Graystock. Reginald Lord Grey, of Ruthin. John Neville, Lord Latymer. Richard Lord Strange.

Robert Lord Poynings. William Lord Bottreaux. Thomas Lord Dacre. Gilfland. William Lord Clinton. William Lord Harrington, Thomas Earl Marshal. Edmond Earl of March. Thomas Duke of Exe-Richard Earl of Warwick. Fames Lord Andler. Richard Lord Cromwell. Henry Lord Fitz-Hugh.

On the Day of the Meeting of this Parliament, a Commission was again read to constitute the Duke of Gloucester Lord President 8; and, by his Command, the Bishop of Durham, Lord Chancellor, opened the Cause of the Summons under this Text,

Deum timete, Regem honorificate.

On these Words he argued, 'That we ought to fear God, even with a Child-like Fear; quoniam qui timet [177] Deum, diligit eum, et tunc illuminabitur Cor eins. And that the King ought to be honoured, fince now

this Realm had attained their Wich; which was, that the King of England might also be King of France. And fince this great Undertaking was brought

about by the Labour and Conquests of their present 'King's

f These four are placed in both the Lists after several of the Barons. Omitted in this Lift, James Lord Berkeley.

g The Commission is in the Public Acts, dated at Westminster, Oct. 19,

Tom, X. p. 310. And Rot. Parl. 2 Henry VI.

King's Father, they ought to honour him equally for King Henry VI.

it; for Omnis qui diligit eum qui genuit, diligit et eum

e qui natus est ex illo.

'That all the Lords of the Council, appointed by the last Parliament for the Regency, and for the due Obfervation of the Peace, during the King's Minority, were assembled, in order to take the Advice and Confert of Parliament, towards perfecting the same.' Then he desired the Commons to chuse their Speaker and present him to the Duke, the King's Commissioner in this Parliament.

The Receivers and Triers of Petitions being appoint-John Russel, ed, the Commons presented John Russel, Esq; as their Esq; chosen Speaker; who, with the usual Protestation, was allowed. Speaker.

The Bufiness of this Parliament was chiefly these:

Whereas 'John Lord Talbot, of Furnival, being the King's Lieutenant of Ireland, had accused James Butler 2, Earl of Ormond, of certain Treasons committed in that Kingdom; which Accusation was then depending before John Duke of Bedford, Earl Marsshal of England, in his Marshal's Court; the King, to take up the Matter betwixt them, doth, by Assent of Parliament, utterly abolish the said Accusation, and all Suits upon the same.' The Accusations are particularly recited in the Record.

A Committee of the Commons were appointed to wait upon the Duke of Gloucester, and to give him their hearty Thanks for vouchfasing to communicate to them the Treaty with the Scots Ambassador, for the Delivery and Marriage of James King of Scotland; which they

greatly approved of.

An Ordinance was made, 'That the Mint-Master in the Tower shall keep the Exchange, allowed him by the last Parliament, during the King's Pleasure.' And it was enacted, at the Petition of the Northern Counties, 'That a Coinage should be at York, during the King's 'Pleasure; and that all Persons do bring in their Gold, there to be new coined, which is not of sull Weight.

These are all the Acts and Ordinances which were made in the first Session of this Parliament, which was adjourned the 17th Day of December, on Account of the approaching Festival, to the 15th of January following.

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. * Boteller on the Roll.

King Henry VI.

On the Day prefixed being again affembled, the first Thing that they went upon was a Grant of a Subsidy to the King. This Instrument is first entered on the Roll, dated Feb. 8; and therefore we place it here, though it was not presented till Feb. 28 following, the last Day of this Parliament.

A Subfidy.

This Grant is also in English, and contains a Subsidy of 33 s. 4 d. on English Merchants, for every Sack of Wooll; and for every 240 Pound Weight of Woollfells, 34 s. 4 d. and of Aliens a Subsidy of 43 s. 4 d. for Wooll, and for Fells the same; also a Subsidy of Tonnage and Poundage on Aliens, for every Ton of Wine 3 s. and for every twenty Shillings Worth of Merchandize imported or exported, 12 d. from the Feast of St. Martin then next coming, unto the End of two Years then next following, with some Restrictions too long to insert; but no Fisteenths or Tenths granted in this Parliament.

The next we find on Record are the Names, or Titles, of the Council affigned, during the King's Infancy, to govern this Kingdom under the Lord-Protector, viz.

The Duke of Gloucester,

The Archbishop of Canterbury, the Bishops of London, Winchester, Norwich, and Worcester; the Lord-Chancellor and Lord-Treasurer; the Lord Privy-Seal; the Duke of Exeter; the Earls of March, Warwick, Mareschal, Northumberland, and Westmoreland; the Barons Cromwell, Fitz-Hugh, Bourghchier, and Scrope; Sir Walter Hungerford, Sir John Tiptoft; Thomas Chaucer and William Allynton, Esgrs.

These Bishops, Noblemen, &c. when they accepted of being Privy Counsellors to the King, desired that they might have a Schedule of Instructions to act by given them, which were drawn up for them, and are on the Roll, in the English of the Times, as follow:

THESE ben certein Provisions for the Good of the Governance of this Land, that the Lords which ben of the King's Counsaill desireth,

First, That my Lord of Gloucester, ne noon other Man of the Counsaill, in no Suyte that shall be maad unto him, shall no Favour grante nether in Billes of Right, ne of Office, Office, ne of Benefice that loongeth to the Counsaill, but King Henry XI. unly to answer that the Bill shall be seen by all the Coun-

faill, and the Party suyng to have Answer.

Item, That all the Billes that shull be put into the Counsaill, shuld be onys in the Week at the lest, that is to saie on the Wednesday, redd byfore the Counsaill, and ther Answeres endorced by the same Counsaill, and on the Friday next folowing declared to the Partie suying.

Item, That all the Billes that comprehende Materes terminable at commune Lawe, that seemeth noght fenyd, be remitted there to be determined; but if so be that the Discretion of the Counsaill feel to grete Myght on that on

Side and unmight on that other 2.

Item, If so be that eny Matere suyd in the Counsaill falle into diverse Opinions, that ooless than the more Part of the Counsaill, beyng present in the Tyme of Discord sall to that so Part, that it be noght enasted as assentid, and the Names of both Parties enast, by the Clerk of the

Counsaill, theyr Assent or Disassent.

Item, That in all Suytes that shuld be mand to the Counsaill, in Materes whois Determation loongeth unto the Counsaill; but if it be so that they touch the Weel of the King, our Soverain Lord, or of his Reaume, hastily to be sped, ellys that they be noght enacted and don by the Counsaill, oo lesse than to the Nombre of six, or three at the least, of the Counsaill, and the Officers that ben present be of oon Assent, and, atte all Tymes, the Names of those Senteures to be wryten with thar owen Hand in the same Bille.

Item, Forasmoche as it is to grete a Shame, that into Straunge Countries our Soverain Lord shall write his Lettres by th' Advys of his Counsaill, for such Materes and Persones writeth in his Name, and singular Persones of the Counsaill to write the contrarie; that it be ordeined that no Man of the Counsaill presume to doo it on Pain

of Shame and Reproef.

Item, That the Clerk of Counfaill be fworne, that every Day that the Counfaill sitteth on any Billes, betwixt Partie and Partie, that he shall, as far as he can espye, which is the porest Suyter's Bills, and that first to be redd and answered; and the Kyng's Sergeant to be sworne trevoly and plainly to give the pore Man, that for such is accept

King Heary VI. to the Counfaill, Ashiftence and trewe Counsaill in his Matere so to be suyd, without any Good taking of hym, on

Payn of Discharge of theyr Office.

Item, Forasmoche as bit is likly that many Materes shull be treted afore the Counsaill, the which toucheth the Kyng's Prerogatif and Frehold, or that a Partie and other of his Sougets o that other, in the which Materes the Counsaill is not lerned to keep the Kyng's Rights and the Parties both, withoute the Advys of the Kyng's Juflices, which be lerned both in his Prerogatifs and his commune Lawe; that in all such Materes his Juges be called thereto, and theyr Advys, with theyr Names also, to be entered of Record what and howe thei determine and advyse thereinne.

We have given these Instructions in the true Diction and Orthography of the Times, the scarce intelligible now; as well to shew how the English Language varies from Age to Age, as to exhibit these Articles of Government which the Parliament thought fit to impose upon the Council, and even on the Protector himself.

We now proceed to the Business done in this second Session of this Parliament.

On the Petition of the Executors of the Last Will.

of Henry IV. the King had, by his Letters Patent, affigned the Payment of 40,000 Marks to the Execu-

tors of Henry V. to the End that the last Executors

fhould pay the first, and also discharge the Will of

· Henry V. which Letters Patent were confirmed by

• Parliament. The faid Executors prayed, That they

might have the Jewels, Plate, and Goods of the faid

King Henry V. to the Value of 40,000 Marks; which

was granted. And that the faid Executors shall have

'all the Wards, Marriages, Goods, Debts, and Chattels, 'which were the faid King's, for the Payment of his

Debts.' But then it was enacted, 'That the Execu-

tors of both the late Kings shall pay all their Debts,

as well those due by Talley as by Debentures.' the same Time an Act was passed, 'To secure those

Persons who had only the late King's Jewels in Pawn.

and that they should not be obliged to deliver the same

till their Debts were paid, And that the Bishop of

Winchester,

. Orders relating to Payment of the late King's Debts.

Winchester, who lent the King 20,000 Marks on the King Hory VI. 'Crown, should have Letters Patent to receive the said

Sum out of the Customs.

The Bishop of Durham, Executor to Henry Bowett, late Archbishop of York, and others, petition'd the Parliament 'To order the Payment of 9001. lent to King 5 Henry V. on a Tabernacle of Gold, once belonging to the Duke of Lancaster; and to be discharged from the faid Executors on the Delivery of the faid Taberacle; which, by common Affent, was confirmed. On the Petition of Katharine Queen of England, A 'new Dower was assigned her, instead of the other granted by the last Parliament, it being, in many Flaces, found faulty and erroneous. Lastly, John Stafford, Treasurer of England, by his Petition, prayed, That the Schedule, indented, made between him on the one Part, and the Executors of Henry V. on the other, relating to the Goods of the faid King, delivered to the faid Executors, to the Value of 40,000 Marks, might be confirmed by Parliament, and he be 'discharged thereof; which was granted.' The Inventory of these Goods are on the Record, containing the Jewels, Cloths of Arras, Apparel, and other Particulars, with the Prices annexed to them, to a very great Length; wherein, says Prynne, may be seen the Frugality of the late King, there being some plain Gowns of his not worth 40s. with other less costly Apparel, and such as the worst Pages of the least Nobleman, in our Days, would fcorn to wear.

The Parliament having thus honourably provided for the Payment of the late King's Debts, an Affair of more public Concern came before them. James King of Scotland had been a Prisoner in England ever fince the A Peace with Reign of Henry IV. wherein the Policy rather than the Justice of this Detention must be commended. ever, it was now thought, that if the Scots King was fet at Liberty, Things might be fo managed with him, that a firm and lasting Peace might be established between the two Nations. And lest the Obligation should be too foon forgot, it was also proposed to give him to Wife Jane, Daughter to John Duke of Somerset, and Cousin-German to the young King h. Accordingly, by Letters

h The most beautiful Woman of her Time, with whom he was desperately in Love. Buchanan' Hist, of Scotland, by Band, Vol. I. p. 444.

King Henry VI. Patent, directed to certain Bishops and others, a Treaty was fet on Foot at Durham, between the Commissioners of both Nations; and the faid Letters Patent were not only confirmed by this Parliament, but the Power to deliver up the King of Scots, on the Conditions agreed on, was also ratified by them. The Scots King was released from his Captivity of eighteen Years, and married to the Lady, with whom he had a large Dower, besides many Gists of Plate and Jewels, which her Kindred of the Nobility presented them with. Departure he was also induced to take an Oath of 180]

Friendship and Fidelity, say some; or, as other Historians write, did Homage to the young King of England, at his Castle of Windsor; wherein he owned that he held and claimed his Kingdom under a Superior Lord 1. But what are Oaths or Bonds to Kings? James, foon after his Arrival in Scotland, forgot them; and either out of a natural Affection to the French Nation, or else being desirous to shake off all Badges of Subjection to the English, he entered into a strict League with the King of France, and intirely deferted the other's Interest.

The rest of the Proceedings of this Parliament we

shall range as follow:

Petitions in Parliament.

Edmund Earl of March, Son and Heir to Roger Earl of March, presented a Petition, wherein he shewed, That King Henry V. for the Sum of 10,000 Marks, paid to certain of the King's Creditors by the faid Earl, promifed to him, by Word of Mouth, his own Marriage, he being then the King's Ward, which he requests may be confirmed by Parliament; and it was granted.

Thomas Duke of Exeter reported, how that the late. King, a little before his Death, much repented him to

' Evangelifts.' Holling focad's Chron. p. 587. Buchanan, according to his usual Partiality, mentions this Oath but flightly; and bestows a whole Page or two in excusing it and the King from any ingratitude to the English Nation, by fiding with the French. He was afterwards inhumanly murdered by his own Subjects. 'Bond's

Translat, Vol. I. p. 464.

i The Oath was in these Words: 'I James Stewart, King of Scotland, fhall be true and faithful unto you Lord Henry, by the Grace of God; King of England and France, the Noble and Superior Lord of the Kingdom of Scotland, which I hold and claim of you. And I shall bear you my Faith and Fidelity of Life and Limb, and worldly Honour, against all Men; and faithfully I shall acknowledge and do you Service due for the Kingdom of Scotland aforesaid; so help me God, and these holy

the said Duke, for confiscating the Land of the Lord King Henry VL. Scrope, upon the Attainder of Henry, the last Lord, and his Beheading at Southampton; because he since understood that the said Estate was entailed upon Geoffrey, Stephen, and John le Scrope, his Brothers; and that the Lord Fitz-Hugh and William Porter, to whom Part of the said Lands were given, were contented, on Proof of the Entail, to make Restitution of the same. But we do not find what the Parliament did further in it.

On the Petition of Joan, Queen of England, Wife to King Henry IV. the King, by Consent of Parliament, restored to her all her Dower, and the Arrears of the same, with all her Goods that were taken from

her k.

At the Petition of the Master and Brethren of the Hospital of St. Leonard's in York, it was enacted, 'That they should enjoy all their Threaves of Corn, within the Counties of York, Cumberland, Westmoreland, and Lancashire; and that they may recover the same by an Action of Debt or Detinue.' This Statute was made remarkable, by being the first Occasion of a great Revolution which happened some Years after.

It was enacted, 'That if any Person should carry out of the Realm any Staple-Ware, from the Staple of Calais, uncustomed, he shall forseit the same, and make Fine and Ransom at the King's Pleasure.' Also, 'That no Licence be granted to any Person to transport any slight Looms out of Hampshire, Kent, Sussex, and York; but only to Calais.' But this last was only to

continue to the next Parliament.

Two Foreign Ladies of Quality, who had been married, the one to the Duke of Bedfard, and the other to the Duke of Gloucester, were naturalized this Parliament. The former was Ann, Sister to Philip Duke of Burgundy, and Wife to John Duke of Bedford, Regent of France; the latter was Jaquet, or Jaqueline, sole Daughter and Heiress to William Duke of Bavaria, who was married to Humpbrey Duke of Gloucester. This Princess, by her Father's Death, had the Government of the Earldoms of Hainault and Holland, two large and populous Countries, descended to her; and, though married to John Duke of Brabant, yet, on Pre-

k See before, p. 161, 163.

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King Heavy VI. tence that her Husband was too nearly related to her before Marriage, or, as others fay, for his unkind Usage of her, the left him and came into England, where the foon after became Duke Humpbrey's Wife, to the great Displeasure of her former Husband, and, in the End. proved the Ruin of the English Interest in France.

Sit John Mertimer, of Bisbop's Hatfield, in the County of Hertford, having been indicted on the Oath of one [182] King, Servant to Robert Scot, Esq; Keeper of the Tower

An En post Fatto of London, upon the Statute of Escapes, an Act was Act against Sir made this Parliament on purpose to destroy him, alledg-John Mortimer. ing several other Articles against him. As, first, That the faid Sir Febn had contrived, with him, to break out of his Imprisonment, and had promised him immediately a Reward of 401. a-year, to be aiding and affifting to him in his Escape, and afterwards an Earldom. Secondly, That the faid Sir John told, That after his Escape he would go into Wales to the Earl of March, and having raised 40,000 Men, would enter the Kingdom again; and cut off the Heads of the Protector and the Bishop of Winchester. Thirdly, He had told this Informant, That the Earl of March was rightful Heir to the Crown of England, and that after him he was the next Heir: wherefore, if the Earl of March refused to recover his Right, he himself would take upon him the Regal Power as his Due. Laftly, That when he came into Wales; if the Earl of March would not accept his Service, nor engage in the Cause, he would then fly into France, and affift the French King against King Henry, and did not doubt but in the End he should gain his Design 1.

It appears by the Record, that this Sir John Mortimer had been committed Prisoner to the Tower, for Suspicion of Treason done against the late King, from whence he had made his Escape the first Year of this Reign. For which Escape alone, we suppose, he was indicted, and this Indictment, by the Authority of Parliament, was allowed to be good; and the faid Sir John being again apprehended and brought before this Parliament. Judgment was given against him, to be carried back to the Tower, and drawn from thence to Tyburn, there to be hang'd, drawn, and quarter'd; his Head fet on London Bridge, and his four Quarters on the four Gates

1 Sam. Daniel in Kennet, p. 348. .

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A strange Judgment and Sentence, fays King Homy VI. Pryme m, that any Man in a peaceable Time should be condemned on a bare Indictment, without any Arraignment or due Trial. But it is not to be wondered at, when we consider that the Jealousy the House of Lancafter conceived against any Commotion in Favour of the House of York, was the Occasion of this Descendant of the latter being took off by so illegal and arbitrary a Manner.' On whose Death, says an old Historian ", great Slander arose to the Contrivers of it.' And another o remarks, o That his Faults were believed to be Calumnies, and himself brought to so ignominious an End for that alone, which, by vulgar Politicians, is called Reasons of State.' The Earl of March, the immediate Heir, was, we may believe, more than suspected; but nothing being proved against him, it was then thought politic to fend him over into Ireland, with Forces to secure that Kingdom, where he foon after died, without Issue, whose Inheritance descended to Richard Plantagenet, Son and Heir to Richard Earl of Cambridge, beheaded at Southampton in the late Reign P.

There are several more Acts and Ordinances made in this Parliament, which may be seen on the Roll, being of a mighty Length, and contains in it a great deal of Business done in a very little Time; that is, only from the 15th of January, the Day of the Meeting of this second Session, to the 8th of February following.

The French War was still carried on by the Regent against the Dauphin, (who was, by his Party, stiled Charles VII.) with various Success; whilst the Protector on this Side, England being loaded with many difficult Affairs of State, thought fit to call another Parlia- Anno Regni 20 ment, in order to extricate himself out of them. Writs of Summons were dated the 24th of February, and returnable at Westminster the last Day of April fol-The Protector and Council thought it necesfary, in order to engage both Lords and Commons more The Infantzealously in their Interests, to bring the Infant King into the House, the House; and accordingly, on the Day of their Meet-

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At Westminster.

m In his Notes on the Abridgement of Recorde.

n Hall's Chronicle. See also J. Stower, p. 365.

Biondi's History of the Civil Wars between the Houses of York and Lancaster, p. 25. Henry VI. P Ibid. p. 366.

King Henry VI. ing, he was carried through the City, on a great Horse, to Westminster. The People flock'd in great Multitudes to behold him; and imagining with themselves that they could discern the Features and Virtues of his Father to be transplanted into him by Nature, they loaded him with loud Acclamations and hearty Wishes of a long and happy Life P. Being come to the Palace, he was from thence conducted to the House of Lords, and sat on his Mother's Knee in the Throne. 'It was a strange Sight, says one, and the first Time it ever was seen in England, an Infant fitting in his Mother's Lap, and before it could tell what English meant, to exercise the Place of Sovereign Direction in open Parliament 4.' Yet fo it was, for, the Commons being called, the Bishop of Winchester, then Lord-Chancellor, opened the Cause of the Summons in Manner following:

For the Head of his Discourse he chose these Words, Gloria, Honor, et Pax, omni operanti Bonum; this he divided into three Branches, viz. Bonum honestum, which consisted in the due Obedience of the Subject; Bonum delectabile, which was giving good Counsel; and Bonum utile, which was the free and willing Relief they owed

to their Prince and Commonwealth.

By the first, he argued that God was most glorified; by the second, the Prince best honoured; by the third, the Subject's Sasety better guarded. According to the Saying in St. Luke, Gloria in excelsis Deo, in Terra Pax, et Hominibus bona Voluntas. Glory is given to God by due Obedience in the Subjects; the Prince is honoured by having sound Advice given him; and the Subjects governed in Peace by relieving their Prince. And in this

P Hall's Chronicle, Fol. xxiii. 3 Henry VI. Holling Bead, p. 589.—
Rabias gives an Account of this Procession in these Words: 'Two Days'
before the Parlement met, the Kinge with the Queene his Moder came
thorugh the Cytye from Wendesore, and when he came at the West Bore
of Poulys, the Lorde Protecter toke him out of the Chare, and so was ledd
upon his Fete, between the sayde Lorde Protecter and the Duke of Exeter,
unto the Steppes goyng into the Quyer; from whence he was borne unto
the hygh Aulter, and there kneled on a Traverse purveyed for hym; and
when he had ben there he yode to the Rode of the North Dore, and there
made his Offerynges: And then he was borne into the Church-yerde, and
there set upon a sayre Courser, and so conveyed thorugh Chepe, and the
other Streetes of the Cytye, unto St. George's Barre, and so had his Journay to his Manour of Kenyngton. In the same Manner he was conveyed
thorugh the Cytye to Westminster, to mete the Parlement, Fabian's
Ebron. Part 7. Folio clxxxi.
4 Speed's Chronicle, p. 651.

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this he affirmed that Princes ought to be obeyed, though King Henry VI. they were evil; according to the Command of St. Peter. Obedite Præpositis vestris; for although they were not good in themselves, yet, as they commanded many good Things to be observed, they ought to be obeyed; and put them in Mind that, Sicut Princeps tenetur regere le-

galiter, sic Plebs tenetur obedire realiter.

On his fecond Division, relating to found Counsel, he urged this Text, Salus ubi multa Consilia; and told them that an Elephant had three Properties; the one, in that he wanted a Gall; the second, for that he was inflexible, and could not bow; and the third, in that he was of a most found and perfect Memory; all which Properties, by Application, he wished might be in all Coun-That for their wanting a Gall, they might be thereby free from all Malice, Rancour, and Envy; by being inflexible, that they should not stoop to any Reward, nor in Judgment respect any Person; and of a found Memory, that they, by calling to Mind Dangers past, might prevent Perils to come r.

His last Topic for the Relief of the King; he urged that it ought to be done with all Readiness of Mind, confidering that God, by the young Prince, his chosen Vessel, there before them, had not only governed them in Safety, but had also given to them many honourable Victories and great Conquests; all which ought to enforce them more willingly to offer, that their Grants should be more readily taken. Lastly, He desired the Commons to go together and chuse their Speaker, and present him the next Day. Accordingly, on the 2d of May, they presented Sir Thomas Wanton, Knt. for their Sir THOMAS Speaker, before the King and Lords; whose Excuse not ed Speaker. being allowed, he, with the usual Protestation, was ac-

cepted of.

But the Business of this Session was much interrupted. by a Quarrel between two Great Men about a Right of Precedency. John Mowbray, Earl Marshal, and Richard Beauchamp, Earl of Warwick, were the two Antagonists, and each laid Claim to the higher Place in the Parliament-House. They were, however, commanded not to come to the House till the Matter between them

Vol. II. Lord Coke's Character of a Member of Parliament, burlesqued by Dr. Swift, seems to have been borrowed from this Speech. Swift's Mifcellanies, Vol. IV.

King Henry VJ. was fully heard; and learned Counsel were allowed them. to plead and speak to their respective Claims. The Duke of Gloucester, as Protector, with the Bishops and the rest of the Peers, fat as Judges; and they, with the Members of the Lower House, were all sworn to give upright Judgment in the Cause, without Favour or Affection.

The Commons confulted in a Case of Precedency in Peer-

The Abridger of the Rolls of Parliament has taken Pains to extract, from the Record, the Substance of the Pleas on both Sides; which is prefixed to his Account of the Proceedings of this Parliament. Therein the Pedigrees of those two Antient and Noble Families are fairly fet forth, in order to support their several Claims.

For proving the Earl Marshal's Title, Roger Hunt, his Counsel, exhibited to the Lords a Pedigree, wherein it was demonstrated that the said Earl Marshal came of the Royal Blood, and gave the Arms of England, with a Difference, in his Escutcheon. The said Pedigree deduced the Earl Marshal from King Edward I. and shewed the Earl to be allied in Blood to the present King, from Thomas Earl of Lancaster. It also shewed that the faid Earl was related to the King by the Line of the Earl of Arundele; wherefore the Counsel pleaded that his Client should have the Preference.

Sir Walter Beauchamp, Counsel for the Earl of Warwick, produced also a Pedigree; and, in shewing the great Antiquity of the Family, he proved, by many Authorities, that Antiquity hath had Superiority to the By these Arguments he enforced the Blood Royal. Title of the Earl of Warwick; but infifted chiefly on the faid Earl's great Possessions, which he made the strongest Plea in his Favour.

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The Counsel for both these Earls having finish'd their Pleas and demanded Judgment , it might perhaps have perplexed the Ministry how to please them both, but that a Method was devised to do it effectually. Earl Marshal had been privately required to put in his Claim for being restored to the Title of Duke of Norfolk, according to the Creation of Thomas his Father. and as Brother and Heir to Thomas, who died without Issue, Son of the said Thomas his Father; which Claim, when it was publickly made, was, for several Reasons, granted

The whole Proceedings on this Business are very long, and the Pleadings are chiefly in English.

He was beheaded for High Treason against Henry IV.

granted and confirmed by Parliament. By this Way King Henry VI. the Precedency was out of Dispute betwixt them, and the Earl of Warwick was the Occasion of helping his Antagonist to the Dukedom against his Will; which the other, perhaps, would never have obtained without

It may well be supposed that this Dispute between . these two Noblemen took up the whole Business of the Parliament this first Session; for we meet with no other Proceeding till May 15, when the Duke of Gloucester, by Commission under the King's Letters Patent, prorogued it for a Week longer.

The first Things we find that they went upon in this A Subfidy. fecond Seffion, was, by common Affent, to grant, as an Aid, the former Subfidy on Woolls for three Years

longer, and Tonnage and Poundage for one Year, upon Condition that foreign Merchants should be strictly

looked to for their Duties.

The Lords of Parliament, by Name, promised, on their Honours, that they would not hinder the Bishop of Winchester, but further such Security as he should obtain from the King, for Money by him lent to the Government. And it was enacted, That the King's Council should have Power to give Securities to the said Bilhop, and to other of the King's Creditors, for fuch Debts as were due to them. Also the said Bishop having obtained the King's Letters Patent to receive 20,000 l. out of the first Money arising from the King's Customs, or Revenues of the Crown, the same was confirmed to him by Parliament.

Sir John Cornwal, Knt. Father-in-Law to the Earl of Huntingdon, then Prisoner to the Earl of Vendosme in France, having, by Assignment, the Wardenship of the Body and Lands of John Arundel, Son and Heir of John Arundel, of Arundel, Knt. except 500 Marks payable to the King, petitioneth that the yearly Rent of the faid Estate might go towards Payment of 1800 Marks disbursed to the Earl of Vendosme, towards the Ransom of the faid Earl of Huntingdon; which was granted: And, at the Petition of the said Earl, the Lords of Gancourt and Tokervile, French Prisoners, were delivered to the faid Sir John Cornwal for 5000 Marks disbursed in Part of the said Earl's Ransom.

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King Henry VI. Petitions.

On the Petition of Anne, late Wife of Edmund Earl of March and Ulster ", it was ordained that the faid Anne should have Livery of her Dower, upon her Oath not to marry again without the Licence of the King. This Lady was the Widow of the faid Earl of March; and. dying without Issue, he left his Honour and Estate to Richard Plantagenet, Earl of Cambridge, his Sifter's Son; who, being thereby Heir to Lionel Duke of Clarence. first began the Contest between the two Houses for the Crown of England.

A very remarkable Affair came before this Parliament. relating to a Quarrel then subsisting between two very great Men, Philip Duke of Burgundy, and Humphrey Duke of Gloucefter, Protector of England. This Dispute arose about a Lady; it seems Duke Humphrey had married Jaquelina, Daughter to William de Bavaria, Earl This Princess was an Heiress, and, at her of Hainault. Father's Death, was possessed of the Dominions of Hainault, Holland, Zealand, and Friezland. She had been married before to John, Dauphin of France; who dying, the was afterwards betrothed to John Duke of Brabant; with whom quarrelling foon after, the eloped from him and came into England. Here she obtained a Divorce from her last Husband, by Means of an Anti-pope then in the Church, and was lastly married to Humphrey Duke of Gloucester.

The whole of this Affair may be seen at large in our general Historians; and we shall say no more than is sufficient to introduce the following Quotation from the Rolls of Parliament: 'Humphrey raised Forces to recover his Wife's Dominions in Hainault, &c. then in the Possession of her second Husband, and went over with them and his Lady; where he was fo very unfuccelsful as to lose both her and her Territories, and she became reconciled to the Duke of Brabant. In this Contest the Duke of Burgundy was nearly concerned, as a near Re-

" This Edmund Earl of March, &c. had been a Prisoner of State ever fince the Reign of Henry IV. was grown lame and decrepid with Age and Confinement; but this Year was happily released from his Misery. Hall's Chronicle, 3 Henry VI. Fol. xxiii.

Sbakespear hath given us a fine Scene of this same Edmund Mortimer giving his last Advice to his Nephew Riebard Plantagenes, afterwards Duke

of Tark, in Prifon. Henry VI. Part I.

lation to the former "; and Gloucester, thinking he had King Henry VIplayed him foul Play in the Affair, several angry Letters
passed between them; till at last Burgundy was so provoked as to send the other a Challenge.; which Humphrey accepted of, and the next St. George's Day was appointed for the Combat ". Both Sides seeming to be in
Earnest, the English Parliament thought fit to interpose,
to prevent the ill Consequences of a Rupture with the
Duke of Burgunds; at that Time a firm Ally to England
against France: Accordingly we find, on Record, a Schedule proposed in this Parliament to reconcile these Difserences, which we shall give at Length, and in its own
Language, without any Comment.

COnsidering the full, grete, and irreparable Inconveniences, that might ensue to grete Harme and Prejudice of the Kyng and of his Reumes, gyf it were proceded to Execution of the Bataille in the personele Quarele and Debate bytwixt my Lord of Gloucestre and the Duc of Burgoygne, hit is thought necessary and behoffull, that, by Assent of the three Estates assembled in this present Parlement, the Chancellor have Commaundement to do make Lettres Patente, undre the Kyng's Grete Seel, by which Power be geven and commytted to the Queenes of France and of this Land, the Kyng's Aiele y and his Moder, and to my Lord the Regent of France, and to itch of them, to receyve and take the faid Debate into the Kyng's Hand, and to make expresse Defense and Inhibition to the said Parties, yef and whan it shall be thought to them, or any of them, and to the Kyng's Counseillis of both Reumys'expedient to be doo, that thei procede no ferther in, nor to Execution of, the faid Bataille, nor that oon of hem ayenst that other in ony wife be wey of Fete therfore, and to offre them on the Kyng's Behalfe Administracion of Justice, fwich as the Cas requireth to be doon unto them therynne by the Kyng, at swich Time as he shall come to Yeres of · Discretion, or ellis to be doon to hem nowe gif thei wolle algates

[&]quot; Burgundy was own Coufin to the other,

^{*} The Duke of Glouceser had borrowed 20,000 Marks of the Public Treasure, to enable him to raise Forces for the Recevery of his Lady's Dominions in Fanders, which was to be repaid in a certain Term of Years, and it was now ordained by Parliament that the Lords of the Council should take Securities for it.

y Aiele is Grandmother, and not Grandfather, as the Abridger has falfly translated it.

There were several Acts made for the public Benefit

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King Henry VI. algates desire it. Item, That Power be yeven unto the Kyng's Counsaill here, by the Authority of the thre Estat assembled in this Parlement, to lete and also to sende Ambassade to the Duc of Burgoygne, and to any other Persone or Persones there, as it shall be thought unto the Counsaill here behosfull or necessarie on the Kyng's Behalve and Name, expressing it done by th'Advys of the thre said Estates; and also in the Name, and on the Behalve, of the said thre Estates to mean to stire and to induce the said Duc of Burgoygne and all aborthat it shall be thought expedient in the Matier of the foresaid Debate, and also in the Matier of the Depoos and putting of my Ladies Persone of Gloucestre out of the Hands of the said Duc of Burgoygne into indifferent Hand.—Thus far the Record of this Matter.

Several Acts past this Parliament; the chief of which are, I. Against the , sed for the Bene- Exportation of Sheep beyond Sea, without the King's at of the Nation. Licence; because, by carrying of Sheep into Flanders and other Parts, the Wooll of England would at length become of little Value, and the Woollen Manufacture of the Nation be greatly diminished. To remedy this they laid on a heavy Tax of 43 s. a Sack upon exported Woolls, which was 10s. more than ever was paid before [190] for the like Quantity. 2. For the Exportation of Butter and Cheefe, to encourage Husbandry; giving the Chancellor of England Leave to grant Licenses, at his Discretion, to fuch Persons as shall defire to vend the said Articles in foreign Parts, as well as at the great Staple at Calais. 3. That all Merchant Strangers, within fifteen Days after they are landed in any Port of this Kingdom, shall take Lodgings, or other Habitations, in the Town or Place where the Port is, under some Englishmen; and shall not make any Sale of any Goods or Merchandize: till they are so settled, and then shall sell all their Merchandize within forty Days next ensuing; and if any Goods remain unfold after that Time, they shall be forfeited to the King's Use. This Act was intended for a double Benefit; first, That the King might not be defrauded of his Customs; and next, That Strangers might not, by keeping of their Goods and Merchandizes,

understand the Wants of the Nation, and so raise the

Prices,

After passing these, and several more Acts, this King Henry VI. Parliament was dissolved on the 14th of July the same Year, and the Members fent back into their own Countries z.

About this Time it was that another dangerous Quarrel between Quarrel was set on Foot between two very great Men, the Lord-Proboth chief Supporters to the House of Lancaster, Hum-tector and the phrey, Lord-Protector, and Henry Beaufort, the rich chefter referred to Bishop of Winchester, Great Uncle to the King.

The latter of these, by his Magnificence and Grandeur, seemed so much to out-shine the Protector himfelf, though almost on the Throne, that he drew on him the Odium and Jealoufy of the other. The haughty Spirit of the Bishop, being Legate to the Pope in England, was so great, that the Protector could not endure his Pride; and fuch an implacable Enmity grew between them, that great Parties were raised, on both Sides, for each other's Defence. In short, a Civil War was much dreaded would be the Consequence; and all that their mutual Friends could do was not sufficient to pacify the Mind of the Protector, or to make the Prelate yield any further than, as he thought, was becoming his high Place and State. In this Situation the Bishop, however, thought proper to write a Letter to the Duke of Bedford, Regent of France, to come over and endeavour to heal Matters between them. The Duke came accordingly, and calling a Council of the chief Nobility at St. Alban's, many hot Contests arose; and, nothing being concluded at that Time, it was adjourned to Northampton, but to as little Purpose, till at last it was determined that these Differences should be referred to Parliament. Accordingly Writs of Summons were ifsued out, dated Westminster, Jan. 7, for one to meet at Anno Regni 4.

Leicester on the 18th Day of February following.

At Leicester.

At which Time and Place being affembled, in the great Hall of the Castle of Leicester, much Care had been taken to prevent any Tumults between the great Trains of the Protector and the Bishop, by strictly prohi-

z A Petition of the Commons was exhibited this Parliament, That all Parsons, Vicars, and others, having Cures, and not resident upon them, may forfeit their Benefices; one Half to the King, and the other Half to Answer. The King bath commanded the Arthbishops of Cancroury and York to provide a Remedy. Rot. Parl. 3 Henry VI.

King Heavy VL biting any Person whatsoever to come thither with Swords or any other warlike Weapon. Which Order. though it was literally observed, yet the Lords and their Attendants came armed with Batts, or great Clubs, on

The Parliament of Batts.

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their Shoulders; from whence this Meeting got the Name of the Parliament of Batts; but this also, as soon as it was taken Notice of, was prohibited a. Being all, at length, fet in a peaceable Manner, as aforefaid, the young King being there also prefent, the Bishop of Winchester, as Lord-Chancellor of England, declared the Cause of the Summons, in a very short Manner; for, after telling them that the King's Will was, that all Estates should enjoy their Liberties, he took his Subject from these Words of St. Paul; Sic facite ut salvi sitis.

These the learned Prelate divided into three Parts. and referred them, ' First, To God, for protecting the Faith of the Church, against all Invasions from Lol-

· lards and Heretics; secondly, By imparting found

Counsel; and, lastly, By granting the several need-ful Subsidies. By which, he affirmed, three Virtues and Conveniences would follow, viz. Glory to God,

by protecting his Faith; Honour to the King, by receiving good Advice; and Peace to the Subject, by their liberal Grants. In all which he defired, that

every Estate of this Parliament would labour; and

that the Commons would chuse, and the next Day

f present, their Speaker.'

The King's Letters Patent were read, whereby he appointed John Duke of Bedford his Commissioner, to prorogue and dissolve this Parliament at his Pleasure. Great Tumults, we suppose, arising again, obstructed the Business of this Parliament; for it was not till the 28th Day of February that the Commons presented, before the King, Sir Richard Vernon, Knight, to be their VERNON chosen Speaker; who, with the common Protestation, was allowed.

Sir RICHARD Speaker.

Then the Commons expressed their great Dislike to the Diffentions between Duke Humphrey and the Bishop. of Winchester, and moved for their Reconcilement. On which, the Duke of Bedford, some Bishops, and

other 2 After this they took Stones and Plummets of Lead, and hid them in their Sleeves and Bosoms. Fabian's Chron.

other Lords, made a solemn Decree amongst them-King Henry VI. selves, to hear and determine the said Difference, without Favour or Affection; and, at the same Time, to give no Encouragement to either of them to break the Peace. Which Order, after every one of the Lorde Which Order, after every one of the Lords had fworn to observe, they sent a Copy of it to the They then proceeded in the Matter, and, at length, caused the said Duke and Bishop, by their formal Instruments, to have their Disputes compromised, and referred to the Decision of a select Committee of certain Bishops and Lords; who, after some Time, came to this Resolution about them: First, That the said Bishop of Winchester should submit himself to the King's Mercy; which he did accordingly. And then the Duke of Bedford, in open Parliament, pronounced the said Bishop, innocent of what was alledged against him, in that he procured a Person to murder the late King, when he was Prince, as the Murderer himself confessed, who was drowned by the Earl of Arundele. that he should counsel and advise the said Prince to have deposed Henry IV. his Father. Likewise it was awarded by the faid Committee, That the Bishop should acknowledge his Offence to the Duke of Gloucester, and, in a submissive Manner, ask his Pardon; that the said Duke should freely forgive him; and, in Token of a thorough Reconciliation, each should take the other by the Hand; which was accordingly done before the whole Assembly. Some Time after the Bishop of Winchester petitioned the Parliament to be discharged of the great Seal, as Chancellor, which, by common Confent, was granted.

This is all the Account which the Abridger of the Records has thought fit to extract, relating to this strong Contention between these two Noblemen; who, tho so nearly related as Uncle and Nephew, yet they still carried on that implacable Malice against each other, as ended not but in the Death of one or both of them. However, the Record of this Parliament itself, and even our older Chronicles, are not so silent in this Matter; they tell us, that when the Affair of the Quarrel was brought before the Parliament, and each Party allowed to plead his Cause freely, the Protector, who looked upon himself as the Person aggrieved, exhibited five Articles

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King Heavy VI. ticles against the Bishop, to all which he was urged to give in his Answer. Which Articles, being very extraordinary, and then thought not unworthy a Parliament's Notice, cannot be beneath the Reader's Perusal.

ARTICLES and Accusation presented to the Parliament, by the Duke of Gloucester, against Henry Bishop of Winchester, with his Answers to them severally.

Articles against I. That Richard Woodvile, Esq; Keeper of the Henry Beaufort, Tower of London, did, by the Instigation and EncouBishop of Winchester, with his ragement of the said Bishop of Winchester, deny Adanswers, mittance to him the said Duke of Gloucester, then being Protector of the Kingdom, into the Tower, contrary to Reason and Duty, and in Derogation to the

King's Authority.

To this Article the Bishop answered, 'That while the Duke of Gloucester was gone into Hainault, it happened that many Pamphlets and Reports being dispersed up and down the City of London tending to Rebellion, it was ordered by the Lords of his Majestry's Council, that Richard Woodvile, Esq; should, with a sufficient Number of armed Men, have the Keeping of the Tower, and should not permit any Man to come into the Tower stronger than himself, without the special Commandment of the King, by the Advice of his Council. After this strict Charge the Duke of Gloucester returning out of Hainault, and not approving the fortifying the Tower, told the

* A Copy of these Articles is in Hall's and Halling spead's Coronicle; but they are only five in Number. The Answer the Bishop gave to the Substance of the Letter is made a separate Article. The Letter itself, which the Bishop of Winebester sent to the Duke of Bedford, is preserved in our old Chronicles, in its original Language, as follows:

'Ryht Highe and mighty Prince, and my Righte Noble and, after one, so levest Lorde, I recommend me unto you with all my Harte. And as you defer the Welfare of the King our Sovereign Lorde, and of his Realmes of Englande and Fraunce, and your awne Health and ours also, so hast you hether, for, by my Trouthe, if you tary we shall put this Lande in Adventure with a Felde, such a Brother you have her. God make hym a good Man. For youre Wissom knoweth that the Profite of Fraunce fandeth in the Welfare of Englande, &c. The blessed Trynity keepe you.

Written in greate Haste on Albalow Even, by your true Serwaunt to my

*Life's Ende,'

See the Oath of the Lords, and the Arbitration, in Hall's Chronicle,
Fol. xxviii,

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- * Citizens, who were diffatisfied at it, That had he King Heary VI.
- s been in England it should not have been so; and imme-
- diately going to the Tower demanded Admittance,
- but Woodvile, not daring to give him Entrance, came to the Bishop of Winchester for Advice, who told him,
- That the Duke of Gloucester took more upon him than
- he ought, and that before he admitted him into the Tower
- he ought to provide himself a sufficient Warrant of the
- King and Council for his fo doing contrary to the former

· Order.

II. That the Lord Bishop of Winchester, without the Advice or Consent of the Lord Duke of Gloucester, or of his Majesty's Privy Council, contrived and purposed to lay Hands on his Majesty's Person, and to have removed him from Eltham, the Place that he was then in, to Windsor, there to put him under the Government of fuch Persons as he pleased.

The Bishop's Answer to this Article was, 'That he never could propound to himself any Advantage by

removing the King, or taking him into his Custody or • Charge, nor did ever intend to meddle with any Thing

about the King's Person, without the Advice of the

• Privy Council, as in Time and Place he could prove.

III. That the Lord Bishop of Winchester, knowing that the Duke of Gloucester had resolved to prevent his Design of seizing the King's Person at Eltham, laid wait for him, by placing armed Men at the End of London. Bridge, and in the Windows of the Chambers and Cellars in Southwark, to have killed him, if he had paffed that Way; all which is against the King's Peace, and Duty of a true Subject.

The Bishop's Desence to this heavy Charge was this, That true indeed it is that he did provide a certain

- Number of armed Men, and fet them at the Foot of
- 5 London Bridge, and other Places, without any Inten-
- f tion to do any bodily Harm to the Duke of Gloucester, • but merely for his own Safety and Defence, being in-
- formed by several credible Persons, that the Lord Duke
- of Gloucester had purposed bodily Harm to him, and
- gathered together a Company of Citizens for that

• End.

1V. That the late King Henry V. told him, That, when he was Prince, a Man was seized in his Chamber,

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King Herry VI. who was hid behind the Hangings, and confessed, after his Apprehension, that he was set at work by the Bishop of Winchester, to kill the Prince in his Bed. He was delivered to the Earl of Arundele, who drowned him in a Sack in the Thames.

To this Accusation the Bishop replied, 'That he was ever a true and faithful Subject to his Sovereigns, and never purposed or contrived any Treason against

and never purposed or contrived any Treason against any of their Persons, and especially against his Sove-

reign Lord King Henry V. And this he thought was
 fufficiently evident to any, that confidered the great

Wisdom and Courage of the said King, and the great

Trust he reposed in him so long as he remained King, which he would not have done had he sound him guilty

of such Unfaithfulness to him while he was Prince.
V. That the Bishop of Winchester, in the Sickness of

King Henry IV. advised his Son Prince Henry to assume the Government of the Nation before his Father's Death, as the said Prince himself told him.

The Bishop replied, 'That this was meer Calumny, which could not be proved; and he hoped the Parliament would appoint them Judges, that he might vindicate his Honour, or else leave him to sue out his Right before suitable Judges.

VI. That the Lord Bishop of Winchester had, in his Letter to the Duke of Bedsord, plainly declared his malicious Purpose of assembling the People, and stirring up a Rebellion in the Nation, contrary to the King's Peace.

The Bishop's Answer to this Accusation was, 'That

he never had any Intention to disturb the Peace of the Nation, or raise any Rebellion, but sent to the Duke of Bedford to come over in Haste to settle all Things that were prejudicial to the Peace; and though he had indeed written in the Letter, That if he tarried, we shall put the Land in Adventure by a Field, such a Brother you have here; he did not mean it of any Design of his own, but concerning the seditious Assembles of Masons, Carpenters, Tilers, and Plaisterers;

who, being distasted by the late Act of Parliament against excessive Wages of those Trades, had given

out many feditious Speeches and Menaces against the Great Men, which tended much to Rebellion; and

Gréat Men, which tended much to Rebellion; and yet the Duke of Glaucester did not use his Endeavour,

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as he ought to have done in his Place, to suppress such King Henry VI.

unlawful Assemblies, so that he feared the King and

his good Subjects must have made a Field to with-

' fland them: To prevent which, he chiefly defired the

Duke of Bedford to come over.

This Charge, and the Answers to it, being thus deli- Which are revered into the Parliament, the further Examination of it ferred to a select was, by the Houses, devolved upon a select Number of Committee. Lords, viz. Henry Archbishop of Canterbury, Thomas Duke of Exeter, John Duke of Norfolk, Thomas Bishop of Durham, Philip Bishop of Worcester, John Bishop of Bath, Humphrey Earl of Stafford, Ralph Lord Cromwell, and Master Alnewyke, Keeper of the Privy Seal: who, having thoroughly examined all Matters, acquitted the Bishop, and, by a formal Award, enjoined them to be firm Friends for the future; and by fuch Inducements The Bishop ac-wrought upon them, that they shook Hands, and parted quitted tof the with all outward Signs of perfect Love and Agreement, Chargewhich gave a mighty Satisfaction to all People, both of the Clergy and Laity. And the King, by the Advice AReconciliation of his Council, made a magnificent Feast at Whit funtide, between him and to rejoice for this happy Reconciliation. At this Feast the Duke of the Duke of Bedford, Regent of France, Knighted King Gloucester. Henry, who immediately made Richard Plantagenet Earl of Cambridge, Duke of York; and restored John Lord Mowbray, Earl Marshal, Son of Thomas Duke of Norfolk, who was banished by Richard II. to the Title and Stile of Duke of Norfolk; and made above forty others Knights. After this the Parliament sat till the 15th of June following; but did nothing more than raise a Supply of Men and Money to carry on the Conquest, of France, which were gathered out of the great Cities and Towns of the Kingdom chiefly.

The whole Business of this Session of Parliament was almost employed in settling the Differences between these two Great Men, very little else of Moment being What is anywise significant is as follows:

After the Bishop of Winchester was discharged of the Chancellorship, John Bishop of Bath and Wells was also dismissed from being Treasurer of England; and the latter delivered to the Duke of Bedford the King's Great Seal of Gold, in a Leathern Bag, which the Duke took,

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A Subfidy.

Clergy.

King Henry VI. shewed it openly, and afterwards gave the same to John Kempe, Bishop of London, as Chancellor of England c.

The Bishop of Durham, by Virtue of a Privy Seal to him directed, delivered the Last Will and Testament of Henry V. which was sealed with the Great and the Prive Seals of the Private Signet, to the Lords of the Council, who gave the same to the Safe-keeping of Master William Alnewyke, Keeper of the Privy Seal. It was then also enacted, That the Lords of the Council shall have full Power to bind the King, his Heirs and Successors, to

his Creditors in one Security for 40,000 l.

It was enacted, That the King's Council should have Power to end all such Bills as are not finished by Parliament. And, March 20, the Chancellor of England, by a Commission from the King, prorogued this Parliament from the same Day, unto Monday next after the Feast of St. George, at Leicester aforesaid.

But, tho' this Prorogation was only to the latter End of April, we hear of no more of their Proceedings till the first Day of June, the Day of their Dissolution; when, by common Assent, the same Subsidy on Woolls, &c. with Tonnage and Poundage, was granted for two

But, in the Petitions of the Commons in this Parlia-

Years, as in the preceding Parliaments.

ment, we find that another Stroke was made at the Cler-Attack upon the gy; which was, That no Man should make any Advowson, Presentation, Collation, or Induction, to any Foreigner, of any Benefice or other Ecclefiastical Dignity, on Pain of a Præmunire; and that every Person might present again for the Non-Residence of the In-To the first, the King will be advised; and to the other, the Bishops have promised to take Order therein.

It is probable these Answers of the King to the Petitions of the Commons, on the foregoing Heads, which amounted in the first to a Denial of passing the Bill, proceeded from the strong Remonstrances which Mar-The Pope's Me- tin V. then Pope, had made both to the King and nacing Letter to Parliament against it. The Pope's Letters on this Oc-

the Parliament, casion are preserved by Bishop Burnet; the latter of to repeal the Sta- which to the Parliament, requiring them utterly to retute of Provisors, peal the Statute of Provisors, is so singular as to deserve

c Soon after made Archbishop of York, Le Neve's Fasti Ecc. Ang.

a Place in these Inquiries, in its own Language, under King Heavy VI. this Note d. The next Instrument, from the same Au-[199] thority, contains the Substance of a Speech made by the Archbishop of Canterbury to the House of Commons, to move them to a Repeal of that Act.

Upon the 28th of February, this Session, the Archbi-The Archbishop shops of Canterbury and York; the Bishops of London, Speech to the

St. Commons, in

d Martinus Episcopus, Servus Servorum Dei, venerabilibus Fratribus & Favour of the dilectis Filiis, Nobilibus viris Parliamenti Regni Anglia, Salutem & Apo- Pope's Demande

folicam Benedictionem.

Multis nunciis ac frequentibus exbortationibus, pro debito pastoralis officii, vos at Regnum vestrum battænus admonuimus, ut pro salute animarum vestra-rum, & ipsius Regni Honore quoddam detestabile Statutum contra Divinum & Humanum Jus editum, quod fine interitu salutis æternæ nullatenus servari potest, aboleretur. Et quoniam id sine Parliamento tolli non posse, ex parte Charissimi in Christo Filii nostri Henrici Regis Angliæ illustris, Dilecto Filio Magistro Juliano Causarum curiæ Cameræ Apostolicæ Auditori, tunc Nuncio nostro, responsum extitit, in quo (quam primum posset) convocato, quod sibi possibile foret pro noftræ Requisitionis executione se facturum, idem Rex pollicitus eft, protestans Juribus ac Privilegiis Sancta Romana Ecclesia & Sedis Apostolicæ in nullo velle detrabere aut derogare. Nos volentes solita erga vos mansuetudine uti, decrevimus usque ad ipsius Parliamenti tempus expectare, sperantes quod tam Rex juxta suam Regiam Promissionem, quam vos pro salute animarum vestrarum, Sancte ac Catholice secundum nostram Requisitionem concludetis. Ítaque cum Parliamentum (ut fertur) jam instet, vos omnes quorum animas nofira cura Dominus nofier Jefus Christus commisses bortamur, monemus, obsecramus, ut unanimes vestrarum animarum salutem, ac conscientiarum puritatem præ cæteris rebus amantes, prædictum abominabile Statutum (quod qui observat vel observari faciat salvari non potest) penitus tollatur, & de Regno in perpetuum aboleatis. Quod fi quis forfitan vobis contrarium persuadere audeat, quicunque ille fit, Sæcularis vel Ecclesiafici Status, tanquam bostem animarum vestrarum & bonorum nullatenus audite; nec eum wirum Catholicum reputetis, qui adversus Romanze Ecclesta Austo-ritatem, Juraquo & Privilegia Sedi Apostolicae Divinitus concessa, aliquid machinari prasumpserit, quious ipse Rex vester Illustris nolle ullatenus dero-gare publice protestatus est. Nos quidem ipsi sumus ab omnipotenti Deo Jesu Christo, super vos & Universalem Ecclesiam constituti, cujus Dostrinæ ac persuasioni sine ulla Contradictione omnimodam sidem vos & quilibet Christianus babere debetis: Nos tamen etsi indignos, oves suas pascere Christus voluit, clavesque aperiendi ac solvendi Cælos tradidit. Et si quis nos audit, fervi Christi testimonium Christianum audit; & si quis nos spernit, Christum spernere convincitur. Et quoniam de vobis ac singulis Christianis in districte Dei Judicio rationem reddituri fumus, ideo vos pro salute vestra tam sæpe tamque essicaiter admonemus; & ne quisquam sub alicujus damni temporalis prætextu vos ab bac nostra Catholica Doctrina submoveat, ecce nos promptos paratosque offerimus, omnibus causis, propter quas dictum Statutum condicum esse prætenditur, salubriter providere, ita ut nec Regno nec cuiquam privatæ personæ præjudicium aliqued ex ipsius Statuti abolitione possit accidere. Super bis omnibus et nostra intentione, plene instructo dilecto Filio Magistro Joanni de Obizis, in difto Regno Nuncio & Collectori nostro, dabitis Credentiæ plenam fidem.

Dat. Romæ, apud Sanctos Apostolos, tertio Die Octobris, Pontificatus nostri Anno decimo.

Bishop Burnet's Collection of Records, Vol. 1. p. 99.

King Henry VI. St. David's, Ely, and Norwich; with the Abbots of Westminster and Reading, went to the House of Commons, then fitting, according to Custom, in the Refectory of the Abbey of Westminster: And here the Arch-

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bishop of Canterbury declared the Occasion of his coming, premising a Protestation, that neither himself nor any of his Brethren intended to offer any Thing in Prejudice of the King's Prerogative, or any other Part of the Constitution. After this preliminary Discourse he took this Text for the Subject of what he defigned to fay, Render unto Cæsar the Things that are Cæsar's, and unto God the Things that are God's. From these Words he took Occasion to state the Ecclesiastical and Civil Jurisdictions, and to point out the Barrier between the Church and State. From hence he went on to the Pope's Supremacy; and that the granting Provisions was one Branch of this Privilege, he attempted to prove from Scripture, Prescription, and the general Consent of Christendom. He therefore requested the Commons to consider how much the Salvation of their own Souls. and the Happiness of the Kingdom, was concerned in giving the Pope Satisfaction; putting them in Mind of the Danger of an Interdict, unless the Statute of Pramunire was repealed: And after he had pressed the Matter home, and discovered a great deal of Heartiness and Zeal in the Affair, even with Tears in his Eyes, he withdrew with the rest of his Brethren. The Commons debated the Matter, but were not satisfied, it feems, with the Archbishop's Arguments, for they came to no Resolution either for repealing or explaining the Act above-mentioned; but, on the contrary, resolved to petition the King as aforefaid .

To which the Commons pay no Regard.

> The War with France still continued to be carried on with great Vigour on both Sides; but the French King and his Party had the worst of it by far, till the unfortunate Siege of Orleans was undertaken; which being raised by that wonderful Heroine, Joan la Pucelle, the English Interest in that Kingdom, from that Time forward, began to decay. A fresh Supply being much wanted for the War, Writs of Summons were ordered out

1428. for calling a Parliament to meet at Westminster on the At Westminster. Quindene

e Burnet, ut Supra.

Quindene of St. Michael, or Oct. 13, in the Year 1428; King Heary VI. when, being all affembled before the King in the Painted Chamber of the Palace, John Kempe, Archbishop of York, then Chancellor, opened the Cause of the Summons, taking for his Text these Words out of Maccabees, Sine Providentia Regali impossibile est Pacem Rebus dare; from which he deduced two Heads of Discourse.

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'The first was the Duty of the Prince towards his Subjects; and the other the Duty of the Subjects to The first of these he again subdivided into three other Points belonging to it; that the Subiects should be defended from any foreign Invasion; that Justice should be indifferently administred; and that Peace should be kept within the Realm. Things, he faid, also belonged to the Subjects; first, that they should grant large Supplies for their better Defence in Time of War; in Peace, that they would readily obey their Magistrates, and meekly to submit themselves to the known Laws of the Land. which the better to accomplish, the King had called this Parliament, and confirmed all their Liberties: 'And, that Business might be sooner begun and ended, he defired the Commons to make Choice of a Speaker 'and present him the next Day before the King.' cordingly the Commons choic fohn Tyrrel, Eiq; whole John Tyaker, Excuse not being allowed, with the usual Protestation, Esq. electronic Speaker. he was admitted.

This Parliament sat, from the Date aforesaid, to the 8th of December; but no Account of any Business done at it is given us. By reason of Christmas Holidays, it was then prorogued, by the Lord-Protector, to the Quindene of St. Hilary, or the 28th of January following.

The first Thing we find then mentioned, is the An extraordi-Grant of a Subfidy, (tho' no doubt it had been fettled hary Tax, with in the first Session) which was 2 t. a Ton for all Wine in the first Session) which was 3 s. a Ton for all Wine imported, and 12 d. in the Pound for all Merchandize: Wooll, Wooll-fells, and all Manner of Woollen Cloth exported, to pay nothing. Besides this, there was an uncommon Sort of a Tax granted by this Parliament in the Nature of a Poll-Tax; That all Inhabitants, Householders, within every Parish of the Realm, Cities and Burghs excepted, fo that there be ten Persons keeping House in such Parish, shall pay to the King 6s. 8d. Vot. II.

King Henry VI. of their Goods and Moveables. And over, that every Householder inhabiting in each Parish, where there are ten of them, and whose Churches extend to the Value of ten Marks, shall pay to the King 13s. 4d. Also, That every Inhabitant Householder within the Cities and Borough Towns of this Kingdom, the Value of whose Parish Church amounts to the Sum of 20 s. per Amum, shall pay to the King 2s. and so above to the highest Value of the faid Churches; saving to those Cities and Boroughs their Franchises and Liberties. Also every Person, being in Possession of Freehold Lands to the Value of a whole Knight's Fee, shall pay 6 s. 8 d. and after that Rate to the fourth Part of a Knight's Fee. to be paid at the Times ascertained. Trusting always that the Lords Spiritual will tax themselves a whole Dilme, for the Defence of the King and Realm aforefaid. No Member of Parliament to be either a Commissioner or Collector of this Tax.

[202] Public Acts.

Several useful Statutes were passed this Parliament; First, That, by reason of the quick Return of Capias's in the Kings Bench, Exigents were granted and awarded, whereby divers Persons being, by base and fraudulent Practices, outlaw'd, their Goods and Chattels were immediately feized as forfeited to the King; and fo divers of his Majesty's good and faithful Subjects were utterly undone, as by Complaint of the Commons in Parliament doth appear: Therefore, before any Exigents shall be granted for the future, every Capias shall be directed to the Sheriffs, at least Six Weeks; and if, upon the Return, the Judges shall think fit to grant an Exigent, they may proceed as formerly; but that if any be granted before the Return of the Writ, they shall be void,

Secondly, That Sheriffs shall be obliged, under the Penalty of Forty Pounds, to deliver to all Plaintiffs, Tenants, or Defendants, a true Copy of their Pannels fix Days before the Affizes, when they shall be fo requir'd by the

faid Plaintiffs or Defendants.

Thirdly, Whereas Sheriffs, by corrupt Juries, have been wrongfully indicted to the Justices of Affize, for making false Returns of the Knights chosen in their feveral Shires to serve in Parliament, by which Means the Sheriffs were liable to pay 1001. Forfeiture, and the Knights lost their accustom'd Wages in Parliament; without

without Remedy; therefore it was enacted, That the King Henry VI. Sheriffs and Knights, against whom any Inquests or Offices of undue Election are found, shall, for the future. have their Answer and Traverse to such Inquests and Offices, and shall not be endamaged till duly convicted.

Fourthly, It was ordained also by this Parliament, That several Commissions of Sewers should be issued out by the Chancellor of England, into different Parts of the Kingdom, to cleanse and repair all Walls, Ditches, Gutters, Bridges, Wears &c. to prevent the great Inundations of the Sea and Rivers, which had then happened in divers Parts of the Nation. And a Form of a Commission was composed on purpose that it might be the more effectual; and an Order is annex'd to it, That for ten Years next ensuing they should be so strictly executed, that all Water-Courses should be cleans'd, and the Nation fecur'd against frequent Inundations.

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Some Matters of less public Concern next occurs; as that it was ordained, by the King and the other Estates of the Realm, that no Man should contract or marry himself to any Queen of England, without a Special Licence first obtained from the King, on the Forfeiture of all his Lands and Goods to the Crown. It is remark'd by the Abridger, That the Bishops and the inferior Clergy agreed to this Bill, so far as not to contradict the Laws of God and the Church, and so as no deadly Sin should be occasion'd by it. But this Act is not on the Roll; though it is probable it was then made on Occasion of the humble Marriage of Queen The Queen Katherine; who, about this Time, had thought fit to take Dowager matrices to her Bed Owen Tudor, a Welsh Gentleman of no great Owen Tudor. Fortune, but faid to be descended from their Cadwallader. the first of the British Princes, and a long Race of his Descendants f.

Although the Breach between Duke Humphrey and the Bishop of Winchester had been in some Measure closed by a formal Concord and Agreement, made pub- The Bishop of lickly in the last Parliament, yet it was too wide, at Winchester made first, ever to admit of a thorough Re-Union. The Prelate, by his Interest or his Money, had found Means to obtain a Cardinal's Hat from Rome; and, by this Elevation in the Church, thought himself more than equal,

E Biondi. Sam, Daniel in Kennet, p. 382.

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The Power of a

a Protector of

by Parliament.

King Heary VI. in Dignity, to the Protector of England. The latter's Jealoufy, in being eclipfed, we may suppose, occasioned a Motion being made, in this Parliament, to both Houses, by himself, for explaining the Title and Power of a Protector, or Defender of the Realm; affirming. that he would not fit in the House till he understood what it was, fince, as he faid, People spoke differently of it.

This Affair was taken into Consideration by the King's Council and the Lords of Parliament; and, after due Deliberation, this Answer was returned to the Duke by them: '.That they did not think he had any great Right to be Protector; yet, to fatisfy his Defire, they were content he should be so, and have such Power as 5 was allowed him by Parliament in the first of this

Reign. But, that the Name of the Protector and Defender imported only a personal Duty of Attendance.

in the actual Defence of the Realm against foreign Enemies and inward Rebels; and not any particular England affigned 4 Authority, such as properly belongs to Tutors, Lieutenants, Governors, or Regents; for if they had defign-

ed otherwise they then would have expressed it at the Thus it was allowed that, in Coun-"Time aforesaid. cil, as principal Counsellor, he had Preheminence;

but, in Parliament, he had no Claim to any higher

· Place than as Duke of Gloucester; so they desired him 6 to be content with his Place in Parliament and with

the other Power assigned him, for they should agree to no other Determination.' This Order, or Award.

was subscribed by all the Bishops, Lords, and others of the King's Council there present. Lastly, it was enacted, by Consent of Parliament, That the Lords of the King's Council should have full Power to determine all

Petitions not vet ended, with the Advice of the Judges. And, accordingly, feveral Bills and Petitions were answered and indorsed, by certain Lords, named in the Record, who met in the Star-Chamber for that Pur-

7. Stowe tells us of an odd Affair that, he fays, hap-

pened this Parliament, which was this; One Mistress Stokes, with divers other stout Women of London, of good Account and well apparelled, came openly to the Upper House of Parliament, and

A Female Remonstrance to Parliament against the Duke.

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delivered Letters to the Duke of Gloucester, to the King Heavy VI.

Archbishops, and other Lords there present, contain-

ing Matters of Rebuke and sharp Reprehension to the faid Duke of Gloucester, because he would not deliver

his Wife Jaqueline out of her grievous Imprisonment,

being then detained Prisoner by the Duke of Burgun-

dy, and fuffering her there to remain, unkindly, whilft

he kept another Adulteress, contrary to the Law of God, and the honourable Estate of Matrimony 8.

What good Success this virtuous Remonstrance, from the Ladies, had, our Author is filent; we may very well suppose their Arms were too feeble to hurt so great a Man as the Lord-Protector.

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But, to verify what this old Historian has given us, we find, in the Proceedings of this Parliament, a Petition from the Commons to the same Purpose: And that it might have the greater Weight with it, it is tacked as a Novelty to the Grant of a Subsidy, and the other Tax annexed. We shall make no Scruple therefore to give it the Reader in its own Words, and also without any other Comment.

ALSO forfeene that my Lady of Gloucester liveth in fo grete Dolour and Hevyness, and hath so lamentably writen to our Soverain Lord, and to all the Estates of this noble Roiaume to be pourveyde fore be way of Tretee, or in otherwise, be the hie Wisdome of our Soverain Lord, and the habundant Discretion of the Lords of his Counfeill, that her Persone and the Alliance betwene this noble Roiaume and hir Landes, had and continued, be put in Salvetee and Sickernesse, in singular Comforte of the said Commens, and of all that they been comyn for.

This Parliament sat this Time from January 28 to the 25th of March sollowing, which was in the Year 1429, the Day the aforegoing Tax and Subsidy were granted. For it was always the Custom in all soregoing Parliaments as well as this, never to give any Money till all their Petitions and Grievances were answered and redressed. Though it is as customary also to find these Grants entered the first on the Rolls of any Busingels done in each Parliament.

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This

& Stowe's Chronicle, p. 369.

Anno Regni 8. 1429.

At Westminster.

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This very Year, 1429, being the 8th of this King. King Henry VI. another Parliament was summoned to meet at Westminfter on the Day after the Feast of St. Matthew, or September 22; and being all affembled, the King himself fitting in the Chair of State, in the Painted Chamber, John Kempe, Archbishop of York, Lord-Chancellor. opened the Cause of this Summons, under these Words

of St. Luke, Quomodo fabit Regnum, &c.

From which Text he argued, 'That, in the Realm of England, three Causes were to be noted which hindered its Advancement. First, Want of Faith, which is the Root of all good Works, Eo quod fine Fide imopossibile est placere Deo; Secondly, Want of Fear, which was the chief in every good Mind, Nam qui timet ' nihil, negligit; and, Lastly, The Want of upright Juflice; the Pillar of every Kingdom, for, Ex Justitia e seguitur Pax, et ex Pace Rerum Abundantia maxime procreatur.

Instead of these three Virtues, three abominable Vices, he said, were sprung up; namely, Infidelity, by Errors and Herefies; Obstinacy, instead of Fear;

and Oppression, in the Place of Justice. Through Infidelity, he told them, that the late Troubles in Ger-

many, and the Destruction of the Kingdom of Bohemia had happened. Fear, he again divided in two Parts, the

one spiritual and virtuous, as searing God, and Man for God; the other, carnal and victous, from whence

forung Murmurs and Rebellion, which would procure

's fuch Destruction as happened to Dathan and Abiram. From Oppression ensued the transferring of King-

doms, according to the Wise Man, Regnum a Gente

' in Gentem transferetur propter Injustitias & Injurias. But that if true Faith, due Fear, and strict Justice was

restored, there was then no Doubt but this would be

a flourishing Kingdom. He concluded, That as the • Prince was bound to defend the Subjects, and to keep

Peace, fo ought the Subjects to grant largely to the

Prince out of their Goods, that he might be enabled to perform the same, to which End the said Parliament

was called. He then directed the Commons to chuse

f their Speaker, and present him as usual.' The next Day the Commons came again before the

King and Lords; when certain of their Members informed formed the House that they had chosen one William At-King Henry VI. lyngton, Esq; to be their Speaker, but desired a Respite of two Days before they prefented him; which being WILLIAM ALgranted, the faid William Allyngton, on the fourth Day WILLIAM ALof the Session, made the usual Protestation, and was chosen Speaker.

During the Sitting of this Parliament, the King having now entered into the 9th Year of his Age, and shewing a toward Pregnancy of Wit and Parts, it was thought proper to admit him, as it were, into his Regal The King Dignity, by a Coronation. Accordingly on the 6th of crown'd, and the November, being the Feaft of St. Leonard, the Ceremony Protectorhip was performed at Westminster, with great Solemnity. And, very foon after, a Motion was made in the House of Lords, 'That fince the King had taken upon him the Protection and Defence of the Realm by his Coroanation, the Name and Power of Protector and Defender, granted to the Dukes of Bedford and Gloucester, from the Day of the faid Coronation, should utterly cease: And that they the said Dukes should have the Name of principal Counsellors only; any Order to the contrary notwithstanding.' Which Motion, after fome Debate, was agreed to by the whole House; and the Duke of Bedford standing up, in full Parliament, did relinquish the faid Titles, as to his own Person, so always that the faid Release should no way hurt his Title as Duke of Bedford h.

It was not till the twelfth Day of December that a Supply was granted by this Parliament, of one whole Tenth and one Fifteenth, to be levied on the Laity. Tho' afterwards, on the Twentieth of the same Month. the Commons, at the special Instance and Defire of the Bishop of Winchester, just then made a Cardinal, granted another Tenth and a Fifteenth, to be levied as above, but not to be paid till Christmas come Twelvemonth.

h The Memorial of this whole Proceeding in Parliament is in the Public Acts; in which is this remarkable Clause.

Pro co etiam quod, Avisamento diligenti & Deliberatione matura habitis inter Dominos Spirituales & Temporales, in præsenti Parliamento existentes, utrum d. Etum Nomen Protectoris & Defensoris, ex Causa prædicta, ceffare deberet, necne ? Auditisque & intellectis nonnullis notabilibus Rationibus & Allegationibus in bac Parte factis, tandem videbatur prafatis Dominis Spiritualibus & Temporalibus. quod dictum Nomen Protectoris & Defensoris, Tempore Coronationis prædictæ, ex Causis prædictis, specialiter sessare de-

Nomine samen, &c. Fæd. Ang. Tom. X. p. 436,

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A large Subfidy.

King Henry VI. They also gave the King a Grant of Tonnage and Poundage, to continue till the next Parliament. This liberal Donation, at the Prelate's Request, shews, that the new-made Cardinal was in high Esteem with them, at that Time; and his Title has gained a Place in the Records themselves, as follows:

> Reverendissimus in Christo Pater Dominus Henricus, Permissione divina, Titulo Sancti Eusebii Presbyteri Car-

dinalis de Anglia vulgariter nuncupatus.

On the same Day the Chancellor, by the King's Command, and the Consent of the Bishops and Lords, prorogued the Parliament unto Monday next after the Feast of St. Hilary next ensuing, on Account of the Holidays.

Being again assembled, the first Thing they did was to take under Consideration the present high Estate of the Cardinal Bishop of Winchesser; the first of the English Nation who came to that Dignity, as the Record testifies *: And because that Dignity exempted him from being of the King's Council, but at his own Pleasure, therefore the rest of the Bishops and Lords consented to join in an humble Request to the said Cardinal, that he would vouchsafe to be made one of the Council; under a Protestation that the said Cardinal should absent himself in all Assairs and Counsels of the King, whenever the Pope or See of Rome was concerned in them. Which Request, so made, the Cardinal condescended to grant under the said Condition.

The Cardinal in great Effectm with the Commons.

This High Priest was at that Time in such Estimation also with the Commons, in Parliament, that they unanimously joined in a Petition to the King, praying him, that, in Consideration of the great and notable Services he had done the Crown, both under the present King and his Father, that he would grant him a sull Pardon for whatever he had acted contrary to the Laws; particularly in regard to the Statute of Pramunire. This Petition was granted; and, consequently, the Cardinal was skreened from all Prosecutions. Two Acts were also passed in the Cardinal's Favour, at this Time, re-

lating & Memorandum, Quod transactis Temporibus in Regno Anglie vi jum non fuerit, ut speratur, quod aliqui Anglice Nationis ad Statum et Dignitatem Cardinalis, per Sedem Apostolicam sublimiti, &c. Rot. Parl. & Hen. V.J. 390. 17.

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lating to some Loans of Money he had lent the King on King Heary VI.

his Jewels; which will be mentioned in the Sequel i.

Authority was given to the King's Council to make Securities to several Creditors of the Crown, for the Sum of 50,000 l. It was also ordained, That the Treasurer and Victualler of the important Town of Calais shall receive a certain Quantity of Mercantile or Staple Ware, and other Revenues, within the said Town, for the Payment of the Garrison there, and the necessary Reparations.

The valiant Lord Talbot being then a Prisoner in France, the King, by common Consent, agreed to release Sir William Barbazam, Knt. a French Prisoner, as Part of his Ransom, provided the said Sir William was not impeached for the Death of the Duke of Burgundy. It is remarkable that this Lord Talbot had served the late King in his Wars two Years, without any Wages. At the same Time it was agreed by Parliament, That the

I This Petition, with the two Acts, are printed at large in Rymer; and the former, being somewhat extraordinary, deserves a Place in this History in its original Language.

Item, Priount les Comunes que please a vous tresgracious Seigneur,— Confiderant les tresgraunds & notable Services & Naturesses, sibien a vous, some a vestte tresnoble Pere, qui Dieu assoile, avaunt ces Heures, saitez par le tresverent Pere en Dieu, Henry Beausort, Prestre Cardinale, south la Title de Saint Eusebe, & Evesque de Wynchestre, d'ordiner & grastnier, par Affent des Seigneurs Espirituela & Temporela, en ceft veftre present Parlement esteanz par Auctorité de mesme le Parlement, que le dit Henry Cardinal, par queconque Noun mesme le Henry soit nome, ne nul aultre, serra mye, pursue, vexe, emplede, ou grave, par vous, ou vos Heires, ou Succesfours, Royes d'Engleterre, ne par ascud aultre Person, a Cause d'ascun Prowisson, ou d'ascun Ossense, ou Misprisson, fait par le dit Henty en countre ascun Estatute des Provisours, ou par Cause d'ascun Exemption, Resceit, Acceptation, Admission, ou Execution a'ascunz Bulles Papalles, a luy en ascun Maniere faitz, merque le dit Henry Cardinal, & chefcun aultre, de toutez tielz Maner d' Actions, Pursuites, Empechements, et Vexations, et de toute Choses queux serroient en Offense de vos Leyes en celle Partie, a Cause suisdit, et de toutz aultres Actions et Pursuites, dount Punissement, semblable al Punissement contenutz en l'Estatutz de Provisours, viendroit ou surdroit, soient, et chescun de eux soit, par mesme! Auctoritee, en vers vout, vos Heires et Suc-cessours, ent quitez & dischargez tout autrement, et que toutz tielz Actions & Pursuites, envers le dit Henry Cardinal, et chescun aultre, a Causes sur-

dites, soit extientes, et pleinement paritex, voidex, cossex et irrites.

Et que vous, vos Heires et Successours, soiez et soient, de tout Manere enterresse, et de toutz Maners d'Astions et Pursuites, aver ou pursuer par celle Encheson, envers le dit Henry Cardinal et chescun autre, forclose et excluse, pur toutz Jours, par l'autorité susdit; ascun Estatutes et Ordinances,

faitz a contraire, nient obstantz.

Responsio Regis. Fiat prout petitur, quantum ad prædictum Cardinolem, et omnes alios qui Occasione ejusdem Cardinalis impeti poterunt vel implae estari. Fæd. Ang. Tom. X. p. 516.

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King Henry VI. Duke of Orleans, Cousin to the King, who had been a Prisoner in England ever fince the Battle of Agincourt, and was then in the Custody of Sir Thomas Cumberworth, Knt. should be deliver'd to Sir John Cornwal, Knt. by him to be fafe kept; and that the Duke of Bourbon. taken at the same Battle, should be committed to the Custody of Sir Thomas Cumberworth.

This Parliament fat to the 23d of February, on which Day, as if they could not be tired with granting Money. AnotherSubfidy they gave the King the same Subfidy on Woolls as was granted in former Parliaments, for two Years. the same Time they consented to shorten the Payment of the last Tenth and Fisteenth, to relieve the pressing Necessities of the State.

Articles for the Regulation of the King's Council.

Before they were dissolved they also agreed upon certain Articles, eighteen in Number, for the better Regulation of the King's Council. All which faid Articles every one of the Lords of the Council, whose Names. are there specified, promised faithfully to perform. The Abridger of the Records has made but two Observations on these Articles; the one, That the Dukes of Bedford and Gloucester were accounted no higher in Council than as two of the same Body; the other is, That all fuch Officers, Civil or Military, who have ferved the King and his Father faithfully, should be first preferred to Places and Benefices in the King's Gift. Precedent, fays Prynne, to encourage Officers to ferve painfully and faithfully, when their Hoping is not turned to Haltering.

There were many Acts made in this Parliament, which the Reader may, if he pleafes, confult all together in the Statutes at large: But an Account of two or three of them cannot well be omitted in these Inquiries.

[210] The first was, 'That the Bishops and the inferior · Clergy coming to attend their Service in Parliament,

Privilege;

- Acts relating to ' shall have the same Privilege, in regard of the Proe tection of their Servants, as the Peers of the Realm.
 - 'That every City, Borough, and Town in the Kingdom, shall have at their own Charge a common Ba-
- lance and Weights, fealed according to the Standard of Alin to Weights the Exchequer, in the Keeping of the Mayor or Con-

aud Measures. fable. At which Balance all the Inhabitants of the fame City or Town were to weigh, without paying

any

s any Thing; but Strangers were to pay a small Pre-Kieg Horry VI.

mium there specified.

It was also enacted, ' That whereas Knights of the Shire had of late been chosen by outragious and ex-

ceffive Numbers of People, and of small Substance; Votes for for the future, the said Knights shall be elected in Knights of

severy County, by People dwelling and resident in the Shires limited to faid Counties, whereof every one shall have, in Lands per Ann. or Tenements, to the Value of 40 s. by the Year, at

the least, above all Charges; and that they which

fhall be so chosen shall be dwelling and resident within

the faid Counties.

In the Parliament, 10th Henry VI. Anno 1432, it was declared, 'That the said 40 s. per Annum must be 'Freehold.' This Statute is in Force at this Day; but the Difference in the Value of Money, then and now, will be best ascertained by the Price of Provisions near this Period. Amongst the Petitions there are also some, with their Answers, which deserve our Notice.

Pet. That the Statutes, made on all Appeals for Petitions and

Things done out of the Realm, shall be tried before Answers.

the Constable and Marshal of England; and that all f done within the Realm, be tried by the Laws of the

. Nation.

not leviable.

Ans. The Statutes made for that Purpose shall be kept. Pet. 'That Sheriffs, and such other Officers, be not simpeached by Process out of the Exchequer, for Things

Ans. The King's Council shall have Power to determine this Matter.

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Pet. 'That all Burgesses of Parliament may have their Writs to the Sheriff of the same Shire, to levy 6 their Fees and Wages.

Anf. The King will be advised.

Pet. 'That all such Soldiers as pass thro' the Realm f may pay for their Victuals and Lodging.

Anf. The King will be advised.

Pet. 'That all Lands whatfoever do contribute to the Payment of Knights' Fees coming to Parliament, excepting the Lands of Bishops, Peers, and Towns who

fend Burgesses.

Ant. The fame as before.

Com-

King Henry VI.

Privileges of Parliament.

Complaint being made to the House of Commons. that one William Lake, Servant to William Mildred, one of the Burgesles for London, was committed to the Fleet on an Execution of Debt, he was immediately discharg'd by the Privilege of the House, and Authority given to the Chancellor to appoint certain Persons, by Commisfion, to apprehend him after the End of the Parliament. The Abridger remarks, That no such Man, as is here mentioned, can be arrested in the Time of Parliament, but for Treason, Felony, or Breach of the Peace.

This Parliament being dissolved February 23, some Petitions, which were not answered, were left, as was usual in those Days, to the Determination of the King's

Council.

Immediately after the Diffolution of this Parliament. the young King Henry fet out for France, attended with a great Train of the English Nobility and Gentry; and arriving foon after at the City of Roan, in Normandy, he made his Abode there all the Summer; and, in November, in the Year 1430, the eighth of his Reign, he was, with the greatest Solemnity, crowned King of France at Paris.

Henry crowned King of France.

> exercifing the Kegal Power abroad, the Duke of Gloucester, who had been left Regent in his Absence, knowing the pressing Occasion they had for Men and Money, in order to carry on the French War, was obliged to call a Parliament at home for that Purpole. Writs were fent out, dated November 7, and returnable at Westminster the 12th of January following.

Whilst the young Monarch and his Council were

Anno Regni 9. 1431.

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Being all met in the Painted Chamber, Humphrey Duke of Gloucester, called now Guardian or Keeper of England, being feated in the Chair of State, the Com-At Westminster. mons being also present, commanded William Linupod, Doctor of Laws, to open the Cause of the Summons. (John Kempe, Archbishop of York and Chancellor, being absent by Sickness) who took for his Theme, Firmabitur Solium Regni ejus.

> On this he endeavoured to demonstrate, 'That the 6 King and Kingdom ought to be established by a threefold Virtue. The first, by Unity; the next, Peace;

and the third, by Justice. Unity he subdivided into King Harry VI. other three Parts, viz. Collectivam, as in gathering Goods together; the other, Constitutivam, as in com-' paring the several Members of a Man's Body; the third, Consentaneam, as in Union of each Body My-'flical or Politic. Peace was also threefold; Peace 'Monastical, which every Man hath over himself; 'Œconomical, as relating to the Government over his 'Houshould; and Political, whereby the good Estate of the King is best secured. And, lastly, Justice had 'its three Parts; the first, every Subject's due Obedience to the Magistrates; the fecond, by advising his 'Neighbours and Equals; and the last, in relieving the Poor. He concluded with observing, That the afore-' faid Union was much broken within the Kingdom by 'Whisperers and Misdoers; from which an utter Sub-'version was like to ensue. That it was the King's 'full Desire that every Estate in the Realm should en-'joy all their just Liberties; and prayed the Commons to chuse their Speaker, and present him the next Day ' to the Guardian.'

The same Day the Commons made a Report of their John Tyrrel, Speaker, as in the last Parliament; and, on January 15, Eig; choice they presented John Tyrrel, Esq; whose Excuse being refused, with the accustomed Protestation, he was allowed.

The first Thing that we find entered on the Rolls in this Parliament was the Supply, tho' it was not granted till March 20, of one Tenth and one Fifteenth, and a Third of both. They also gave Tonnage and Poundage for two Years, with a Subsidy of the like Value on A Subsidy. all Merchants Aliens, over and above the faid Tonnage and Poundage. The Commons also granted to the King 201. from every Layman holding a Knight's Fee, and according to the Value, under or over. from the Clergy, for all Lands purchased since the 20th of Edward I. And that all other Persons, having Hereditaments to the Value of 201. over all Reprizes, not held as above, shall also pay 20 s. and so according to that Rate.—This is another Instance of a Tax on A Land-Tax. Lands and Tenements *.

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k It is remarkable that the Inhabitants of the City of Lincoln only are exempted from Payment of one Third of the Tenth and Fifteenth; but for what Reason is not mentioned.

King Henry VI.

An Act was passed this Session, to empower certain Lords, of the King's own Family, to be Commissioners for treating of a Peace with the Person called here only the Dauphin of France.

It was ordained, That the King's Council, and other Head Officers, expressed in the Record, should have yearly out of the Exchequer, by way of Reward, such Fees as are there particularly mentioned. And, at the same Time, Authority was given to the King's Council, to make Securities to the King's Creditors, for the Loan of 50,000 l. as in the last Parliament.

Several Affairs, relating to private Property, were transacted this Session: But only one is remarkable enough for our Purpose; since it made a great Noise at that Time, and produced an Act of Parliament, still in Force in our Statute-Books. The Case was this:

Acts relating to Bastardy;

A Charge of Bastardy was alledged against Eleanor the Wise of James Lord Audley, who claimed the Inheritance of Edmund Earl of Kent, as being his eldest Daughter, and a legitimate Issue, or Mulier, by Conflance his Wise; for the Proof of which she had procured a Certificate from the Ordinary. Against this Claim, the other Daughters of the said Edmund Earl of Kent presented a Petition to Parliament, alledging, that the said Eleanor was a Bastard; that her Mother Conflance, the late Wise to Thomas Despenser, was never married to the said Earl; and that the said Certificate, brought from the Ordinary, was obtained by Fraud. All this being sully proved, in order to prevent such Proceedings for the suture, an Act was made; 'That in all Pleas, wherein Bastardy is alledged against any

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flance, the late Wife to Thomas Despenser, was never married to the said Earl; and that the said Certificate, brought from the Ordinary, was obtained by Fraud. All this being sully proved, in order to prevent such Proceedings for the suture, an Act was made; 'That in all Pleas, wherein Bastardy is alledged against any Person, Party to the said Plea, the Judge, or Judges, of or in the Courts where the said Plea is depending, shall certify it to the Chancellor of England, for the Time being, to the Intent that Proclamation be made in the said Chancery, for three Months, once in every Month, that all Persons who have any Thing to object against the said Mulier, or Person pretending himself a legitimate Issue, may put in their Allegations and Objections before any Certificate be given by the Bishops.'

To Executors
of Wills:

An Act was also made to redress another Grievance, which was, 'That whereas, under Colour of Outlaw-

ries,

- ries, fued out against certain Persons, Occasion was King Henry VI.
 - taken to molest others of the same Name, and to seize
 - their Goods and Chattels, especially when they were
 - dead, because there was no Remedy at Common Law
 - for Executors to recover fuch Seizures; therefore it
 - was enacted by this Parliament, in Favour of Execu-
 - tors, That, in Defence of the Testator's Goods, a
 - Writ called Identitate Nominis should be granted to them, and should be as maintainable by them as by

any other Perfor living.'

Complaint being made to the Houses, that the Welfh- And Hindrance men assembled in great Numbers, and, being arm'd, did, of Navigation by in a riotous and rebellious Manner, intercept and hinder the Boats, Trows, Floats called Drays, carrying Wares and Merchandizes up the River Severn, to Brifeel, Gloucester, Worcester, and other Places, and broke the faid Vessels, to the End that the Traders might have their Boats and Vessels of them only; therefore it was enacted, 'That all the King's Liege People fhould have free Passage upon the said River, to carry

- their Goods and Chattels as they please, without any
- Molestation from the Welsh; and if, for the future, they any ways molested them in their Passage or
- Traffic, the Party or Parties aggrieved shall have their
- 6 Action at Common Law.

Remarkable Petitions and Answers in this Parlia-Petitions and ment.

Pet. 'That all Outlawries in Actions personal, pro-

onounced before the Statute of Additions, made the 1st

6 of Henry V. may be pardoned.

Ans. The King will be advised.

Pet. 'That in the Writ of forging of false Deeds, the Venire facias may be of both Counties, as well

where the Land doth lie, as where the Writ is brought. Anf. The same as before.

Pet. 'That the Statute made Anno 8 Henry VI. ⁶ Cap. 2. touching Denmark, may be utterly void and

revoked.

Ans. The King expects to hear from his Ambassador at that Court; and in the mean Time will'be advised.

Pet. 'The Commons of Northumberland, Cumberland, Westmoreland, and the Bishopric of Durham, pray, that [215]

King Henry VI. that the Merchants of Newcostle may, at all Times, buy and transport their own Woolls.

, Ans. The King will be advised.

Pet. That Attachments and Prohibitions against Tythe of great Wood may be granted to every Perfon out of either of the Benches.

Ans. The same.

Pet. That two Persons in every Hundred of the Realm may, by Commission, be appointed to search

the due making of Woollen Cloths, and to feal the

fame, taking Öne Penny.

Anf. ' The King will be advised.

In Consideration of 200 l. paid by the Merchants of the Isle of Ely to certain Persons of the County of Cambridge, to buy Twenty Marks of Land by the Year, it is enacted, 'That the said Inhabitants for ever shall be discharged from paying any Thing towards the Fees

6 of Knights of the Shire for Cambridgeshire.'

We have no Account how long this Parliament fat, but it is probable it did so till at, or near, the 20th of March, the Day the last Supply was granted; Historians tell us, that, before the Dissolution of it, Ambassadors came from James King of Scots to the Duke of Gloucester, to desire that a Peace might be concluded between the two Nations: But the Duke, not willing to determine so important a Matter, without the Consent of the People, referred it to the Three Estates; who, after long Consultation and many Debates, settled a Peace with them; which Peace, it was then thought, would long continue, because Scotland was so disturbed by home-bred Divisions, that no Molestation could be

expected from that Quarter k.

The young King staid no longer in Paris than till the Noblemen of France and Normandy had paid their Homage to him, after his Coronation; when he returned for England, landed at Dover, and was met in his Way to London by the Citizens, and conducted to Westminster with great Pomp, Triumph, and many

Sorts of Pageantry.

Not long after the King's Arrival, the Council thought it necessary to call another Parliament; for which

k Hall, Fol. cxxi. Holling fread, p. 607.

ſ 216.]

A Peace with the Scots.

which Purpose Writs of Summons were issued out, dated King Henry VI. February 25, for one to meet at Westminster the 12th

Day of May following.

At which Time, being affembled in the usual Cham-Anno Regni 10. ber within the Palace, the King himself on the Throne, and all the Lords and Commons attending, John Staf- At Westminster, ford, Bishop of Bath and Wells, then Chancellor of England, was commanded to open the Cause of the Summons: which he did in this Manner, taking for his Text these Words of St. Peter, Deum timete, Re-

gem honorificate.

'On which Words he remarked two Points, the 'first, A general Counsel to Princes, that they might 'learn Knowledge; to obey and serve God, according to the Words of the Prophet, Nunc Reges intelligites ' erudimini qui judicatis Terram, servite Domino in Ti-'more. The second, A Commandment to Subjects to ' learn to obey and honour the Prince, according to the Saying of the Apostle, Omnis Anima sublimieribus ' Potestatibus subdita sit, non enim est Potestas nist a Deo. And again, Reddite omnibus Debita, Tributum cui Tributum eft, &c.

'Which Points he learnedly enlarged upon, and en-'deavoured to prove by many Examples, Authorities, and Similitudes, that the King and Realm of Eng-'land might easily attain to the Heighth of Peace and Prosperity, if true Fear of God and Honour to the Prince were in the Hearts of the Subjects; wherefore, for the attaining thereto, and suppressing such Rebels 'as despised the Rights of the Church, and would de-'stroy the Ministers of the same, was one Cause for the calling this Assembly. The other was, for the due 'Execution of the Laws, which was Salus cujuslibet Civitatis et Regni. And the last was, how to find Ways and Means to enrich the Subjects; who, for a 'long Time, had lived in great Want and Penury.' He concluded, as usual, with acquainting them, that the King defired that every Estate should enjoy its own due Liberties; and that the Commons should chuse their Speaker, and present him the next Day to the

On the fecond Day of their Sitting, the Duke of Gloucester stood up in the House of Lords and said, 6 That Vol. II.

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King Hours VI. 4 That he had been informed the Commons had made 4 a Declaration. That if they could understand the Lords

of the King's Council intended to serve in their Sta-

tion with perfect Unity, it would greatly encourage

them to do their Parts effectually. That he promised. for his Part, that although he was Chief Prefident of

the Council, yet he would act nothing without the

6 Confert of the Majority of them.' This Declaration

of the Duke's was, the next Day, made to the Commons by the Chancellor.

IOHN RUSSEL. Efq; elected Speaker.

The Day after, the Commons presented to the King John Ruffel, Eig; for their Speaker; who, making the

usual Protestation, was allowed of.

The next Article on Record is a Grant of a Subfidy; which, though it stands in this Place, yet is faid to be done on the 17th of July, the last Day of the Sitting of this Parliament, as was then the usual Custom, as has been before remarked. These Grants were, at this Time, constantly in English; and, since it may be thought something curious, we shall give the Preamble to this, now before us, as a Specimen for all the reft.

To the Worship of God, and for the grete Love and entiet Affection the which we your pouvre Comunes of this your noble Roialme bave to you our mest Soverain Lord the King, by the Advis and Affent of all your Lordes Spirituall and Temporall in this your present Parliament, beyng holden at Westminster the 12th Day of May, the Yere of your Reigne the 10th, be Auctority of the Same Parliament do graunte, &c. for the Defence of this your Roisime of England, half a Fifteenth and balf a Tenth, &c.

A Subfidy.

Besides these Moieties, by another Schedule, there was granted, on the same Day, a Subsidy of five Nobles on every Sack of Wooll, and the same Sum on every 240 of Wooll-fells; likewise Tonnage and Poundage, at the usual Rate; to continue for one Year only.

A great Complaint was made to the Houses, by the Another Quarrel between Cardinal Cardinal Bishop of Winchester, that he being in Flan-Beaufort and the ders, in his Way to Rome, was obliged to return back, Duke of Glauce- in order to clear himself from a Report that had been spread, that he was a Traitor to the Realm; of which the Duke of Gloucester, by the King's Command, declared him guiltless. But the Abridger of the Records here remarks, That the true Reason of the Cardinal's

fudden

fudden Return was, that, having feveral of the King's King Henry VI. Jewels in Pawn, he had ordered them to be fent after him; which Jewels, by Command from the King, or rather the Duke of Gloucester, were arrested at Sandwich. This brought the Cardinal back in a mighty Pother; and it appears by the next Article in the Record. that an Order was taken that the Cardinal should pay to the King 6000 l. more for them, and lend to him besides 13,000 Marks, which was done accordingly; and then he was allowed to take them, or leave them behind him, at his Pleasure. The King also, with the Confent of the other Estates, granted a Pardon for all Offences, and for all Penalties and Pains incurred by him on the Statute of Pramunire. Thus far the Record: but a modern Historian 1 acquaints us, That when the Tewels the Cardinal had in Pawn were seized at Sandwich, he was then in Flanders upon the King's Affairs: but, on the News of the Seizure, he came over in all Haste to London, without Leave; which gave the Duke of Gloucester Occasion to seize his Baggage. That, on the Day after his Arrival, he went to the House of Lords; and faid, he was come to clear himself from the Crimes laid to his Charge, and vindicate his Innogency against whoever should be his Accuser. the Duke of Gloucester not thinking it proper to support what he had advanced, the Prelate was answered, That fince none appeared to accuse him, he was acknowledged as a loyal Subject. He thanked the House for this Declaration, and defired it might be drawn up in Form; which was granted. Then he complained, that, at his Arrival at Sandwich, his Baggage was feized; and petitioned the Restitution. He maintained that the Seizure was made without Cause, and offered to lend the King 6000 l. for fix Years; on Condition that, if the Seizure appeared to be lawful, the Money lent should be forfeited to the King's Use. He offered moreover to lend him the like Sum, and to defer the Demand of the 13,000 Marks, due to him on another Account, provided the Payment of the whole should be affigued out of the next Subfidy granted to the King. His Aim was to shew his Regard for the King's and the People's Wants. His Offers were accepted, and the

1 Rapin's Hiftory of England, Fol. Edit. p. 334, 335.

[219] Which terminates in Favour of the former.

King Henry VI. Seizure restored. Thus the Duke of Gloucester, instead of hurting his Enemy, had the Mortification to fee him receive the Applauses of both Houses. Mean while this Discord produced very ill Effects. As the Duke of Gloucester had Friends and Adherents in the Council. the Opposition, generally between the two Parties, could not but be very prejudicial to the King's Affairs. For, whilst the Duke and the Cardinal thought only of their own private Concerns, the War in France was neglected, though it was more necessary than ever to

support it with the greatest Efforts.

We have chose to give this long Quotation from Rapin, as it particularly relates to this Design, and to set this Matter in as clear a Light as possible. The Authorities that Author quotes from, are some Instruments inthe Public Acts and the Abridgement of Records. Reader may observe, that the latter differs widely from his Account, especially in regard to the Seizure of the Crown Jewels, which was made on his going out of the Kingdom, and not on his Return into it: And it is certain that the Duke of Gloucester was in the Right to prevent the Cardinal from carrying fuch a Treasure over with him into foreign Parts. However, the Prelate had Interest enough in this Parliament to get the Petition from the Commons, made in the last, again ratified; with the two subsequent Acts for Restitution, &c. and all of them exemplified under the Broad Seal m.

But to go on with the other Proceedings of this Parliament; some more Matters of less Moment occurred;

the Principal of which are these:

The Commons petitioned the King, that the Fees and Wages of the King's Judges, Serjeants, and Attornies, might be paid, which was ordered accordingly. And, by Order of the Houses, certain Accountants of the King's Houshold, by Name, were pardoned their Offences.

On the Petition of Richard Duke of York, Brother to Edward late Duke of York, and Coufin-German to Edmund late Earl of March, to have Livery of all the Hereditaments belonging to the faid Duke and Earl, by Ordinance of Parliament they were restored to him.

m See Fæd. Ang. Tom. X. p. 516, 17, 18, 19. For an Inventory of these Jewels, with their particular Sorts, Weight, and Value, see also p. 593, &c.

This was the famous Duke of York, who first beganking Henry VIthe open Quarrel between the two Houses of York and Lancaster. In this Parliament also, as was antiently the Custom of creating Peers, the King created the renowned Sir John Cornwal, Knight, Baron of Pannhoppe, there to sit and enjoy the Liberty of a Baron.

PETITIONS and ANSWERS.

Pet. 'That the Defendant in an Appeal of Maim Petitions and may make his Attorney.

Answers.

Ans. The King will be advised.

Pet. 'That the Statute made 7 Henry IV. cap. 9. 'relating to Merchants Strangers, may be executed with

this Adjunct, viz. Pains and Penalties on the English

Merchants, and Officers of every Town, for not executing of it.

Ans. The King will be advised.

Pet. 'That none be compelled to be examined in Parliament, or elsewhere, touching his Frank Tenant. Ans. The same.

Pet. 'That such Persons as shall have their Goods taken by the Merchants of Hans, in their Parts, may have their Remedy by Action at Law in London against the Hans Merchants residing in that City.

Anf. The Same as before.

Pet. 'That no Merchant, or other Person, be impeached for the Seal of any Cloth, broad or narrow, after such Time as the Alnager has sealed the same, and Custom is paid for it.

Anf. The fame.

Pet. 'For speedy Redress of and in all Actions be'longing to such Persons as were Members of the House
'of Commons.

Ans. The fame.

Pet. 'That all Parsonages, appropriated to some Religious House, not endowing of Vicars on the same, may be within six Months unappropriated.

Ans. As before.

P 3

a Alnager, Aulnager, in Latin, Ulniger or Ulnator, a Measurer of Cloth by Ell. This Officer was antiently both Searcher and Measurer of Cloth as well as Alnager, and was Collector of the Subsidy granted to the King by the several Statutes; he had a peculiar Seal to denote the Defects which each Cloth contained. See Jacob's Law Distionary.

The Parliamentary HISTORY

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King Heary VI.

A Motion was made, and a Device offered, for the true making of Gascoign Wine.

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Ans. The King will fend this over to the Officers of Guienne, and appoint them to take Order therein.

Pet. 'That Prohibitions and Attachments may be had, upon the Statute of the 45th of Ed. III. against Farions fuing for Tythe-Wood above the Age of 'twenty Years.'

Ans. The Statutes, to that Purpose provided, shall be

observed.

as immutable as Fate.

At the Petition of the House of Commons, the King released utterly, on Account of certain Doubts, the Subfidy granted in the last Parliament on Lands and Tene-The King gives ments, fo as it never should be mentioned again. This looks as if all Parties were ashamed of such an uncommon Imposition on the Subject in those Days; tho' it is now no Novelty, and will continue, we fear, to be

up the Land-

1433.

The French War had, about this Time, run greatly against the Interest of the English in that Kingdom; and, in the 11th Year of this King, another Parliament Anno Regni 11. was called, by Writs dated May 24, to meet at Westminster on the 8th of July following. Being all assembled, before the King, in the Painted-Chamber of the At Westminster. Palace, the Dukes of Bedford and Gloucester, with the Cardinal, all being present, the same Chancellor, as in

the last Parliament, declared the Cause of the Summons,

and took for his Theme, Suscipiant Montes Pacem Populo, et Colles Justitiam. This Subject he divided into three Parts, according to the Three Estates of the Realm; by the Mountains, he understood Bishops, Lords, and Magistrates; by the lesser Hills, he meant Knights, Esquires, and Merchants; by the People, he meant Husbandmen, Artificers, and Labourers. To which Three Estates he endeavoured to prove, by many Examples and Authorities, that a triple political Virtue ought to belong; to the first, Unity, Peace, and Concord, without Disfimulation; to the second, Equity, Consideration, and upright Justice, without Partiality; to the last, A due Dedience to the King, his Laws, and Magistrates,

without grudging. By strictly observing of all which

• be

he affirmed, that infinite Bleffings and great Acquisi-King Heavy VI.

tions would accrue to the Nation; and that this very Af-

• fembly was called as a Means for that Purpose. Where-

fore he enjoined the Commons to make Choice of their

Speaker, and present him to the King as usual.' The Receivers and Triers of Petitions being appointed for the different Kingdoms and Countries under the Domimion of the English King, as was in those Days the constant Custom of Parliament, on the 11th of July the Commons presented Roger Hunt, Esq; for their Speaker; Roger Hunt,

who, with the usual Ceremony, was allowed.

The 13th Day, the Duke of Bedford rose up before Speaker, the King, in the House of Lords, and said, 'That for two especial Causes he had come into the King's Prefence, and left his Charge beyond Sea: The one was for the Safeguard of the King's Person; and the other, to clear himself from some Slanders which were cast upon him, as that he had been the Occasion of the late great Losses in France and Normandy, by his Default and Negligence; and offered to take his Trial for the fame.' On which the Chancellor, by the King's Command, declared, 'That his Majesty took him for his true and faithful Subject, and most dear Uncle: and for his coming at that Time, gave him most hearty 'Thanks.'

After this Parliament had fat about a Month, the Plague began to break out in London ; therefore the Chancellor, by the King's Command, called them all before him; gave them Thanks for their Attendance; and, on the 13th of August, prorogued the Parliament to the fifteenth Day after St. Michael ensuing, at Westminfler. But because the King's Occasions for Money were very urgent, and could not stay till the next Session, it was ordained, That the Treasurer of England should keep in his Hands 2000 l. for the Service of the Household.

We know not whether this Parliament met again at the Time appointed, or was further prorogued, but we hear no more of their Transactions till the 3d Day of November; when the Speaker of the House of Commons came before the King, in the other House, and shewed to his Majesty a Precedent, in the Reign of King Edward II. whereby that King commanded the Bishops

· 2 Quod in Civitate London et Suburbus ejusdem gravis Pestilentia ceperat jam orire, &c. Rot. Parl. 11 Hen. VI. No. 11.

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King Henry VI. Bishops and Clergy to pronounce Sentence of Excommunication against certain Offenders at that Time. The Speaker then defired his Majesty to act in the fame Manner, and cause the Clergy to excommunicate fome that were then culpable b. But all that was done in this Affair was, that the King took the Precedent, and promised to be advised.

> At the same Time the Speaker presented to the King and Lords one Article, amongst others, in an Ordinance of Parliament, made in the 8th of this Reign, whereby it was established, That no Nobleman or other Person should retain in his Service any Offender against the Law, or maintain any Title or Quarrel; which Article all the Bishops and Lords there present were sworn to And, some Days after, the King commanded the Duke of Bedford to go to the House of Commons, and fwear all the Members to perform the Article aforefaid; which he did accordingly.

The whole Na-Act against, Quarrels.

And it was also enacted, by general Consent, 'That Observance of the all the Lords, Knights, Esquires, Yeomen, and other Persons throughout the Realm, should, by special Commissions, be sworn to perform the said Articles. This Act, or Ordinance, feems calculated to prevent the evil Effect of the then mortal Quarrel between the Cardinal Bishop of Winchester and the Duke of Gloucester.

The Duke of of France, seceives the Thanks of the Commons.

Nov. 24. The Commons came again before the King and Lords, and, by their Speaker, complimented the Duke of Bedford on his warlike Behaviour and notable Deeds done in France, and particularly for his Conduct Bedford, Regent in the Battle of Vermyle. Besides, they commended him for his politic Government in the Regency of that Kingdom; and for which they defired the King to infift upon the faid Duke's personal Attendance about him; and, after some Consultation amongst the Lords, the Duke, at his Majesty's Request, accepted the Office; but at the fame Time he required that fix Articles might be agreed to by Parliament, relating to the Government; which was granted. And by these Articles, which the Abridger remarks were all very reasonable, the Duke of Bedford recovered some Part of the Prerogative which

> b Pro diversa Specialia et enormia Murdra, Homicidia, Raptus Mulierum, Robberias, Arsurias, et alia Mala quamplurima, &c. Rot. Parl. 12 Henry VI. No. 13.

the Duke of Gloucester had lost through the malicious King Henry VIa Intrigues of the Cardinal and the Clergy, who were [224] his sworn Enemies b. After this the Duke of Bedford took Occasion to declare before the Parliament, That whereas he and the Duke of Gloucefter, for their Attendance as principal Counsellors, or Presidents of the Council, had some Years an Allowance made them of 8000 Marks yearly; at other Times 6000 Marks, sometimes 5000, but never less than 4000 Marks yearly, he would now, for his personal Attendance, only require an Allowance of 1000 l. a-year, and 500 l. for paffing the Sea into France, or repassing it, as oft as there was Occasion. A Salary granted Which Demand, being thought very reasonable by both him. the Houses, was readily granted.

The Sublidy granted by this Parliament was a Tenth and a Fifteenth, to be levied on the Laity; except the Sum of 4000 l. to be deducted out of it, to go to the Relief of some Towns, Cities, and Boroughs, said, by A Subfidy, the Record c, to be then desolate, wasted, or destroyed, or otherways much impoverished, or overmuch charged to this Tax, &c. They likewise granted the same Tonnage and Poundage as was given the last Year, for two Years to come; as also a Subsidy of 53s. 4d. on every Sack of Wooll for three Years enfuing. Authority was also given to the King's Council, to enter into Securities for 100,000 Marks for the present Occasions of the Gowernment d. A Vote of Credit, which the Reader may observe has been more frequent in this Reign than in any preceding one. An Historian remarks, but erro-Credit. neously, on the Proceedings of this Parliament, that no Taxes were given the King by it. 'Perhaps, adds he,

it was because the Duty of Tonnage and Poundage, which was given this King in his third Year, was still

continued. And whereas, before, they were granted

for certain Years only, they were now indefinitely

• given him for the Service of the War; and from thence,

as Stowe fays, they received the Name of Customs,

. i.e. usual and constant Payments .

A Petition of Thomas Langley, then Bishop of Dur-Customs first to ham, was presented to the House of Lords, setting forth, called.

b These Articles are on Record, in the old English, and are not to be omitted by a particular Historian of this Reign.

c Rot. Parl. 12 Henry VI. No. 20. 4 Ibid. No. 23.

Qaniel in Kennet, p 372.

King Henry VI. 6 That whereas the King had granted a Commission to certain Persons there named, and they, by Virtue thereof, fat, and made Inquiry, at Hartlebool, within the County Palatine of Durham; he therefore prayed that the faid Commission might be revoked. Hereupon Sir William Earl, Knt. the King's Attorney-General, very learnedly endeavoured to prove 'that the faid Bi-

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Parliament.

• thop ought to have no County Palatine, nor Liberties The Liberties of Royal. On the contrary, the Bishop produced his the County Pala- Anthorities to prove his Right, and the Matter was stretine of Durbam nuously debated between them: At last Judgment was ascertained by given for the Bishop, and the said Inquisition return'd into Chancery, or elsewhere, was declared null and void. The Record of this Matter is very long, and shews the Fulness of Power in the Liberties of this County Pala-

> Ralph Lord Cromwell, High Treasurer of England, petitioned the Parliament that they would take into Confideration the State of the Revenues of the Crown, and the Difbursements, the said Revenue not being able to supply the Expence by 35,000 l. yearly; wherefore he prayed that Order might be taken for the King's Household; that he may enjoy the Office as freely as others before him; and that no Grant be passed by the King, without the Knowledge of him the faid Treasurer. also, by three long Schedules annexed, shewed the Particulars of the whole Revenues and Profits of the Crown, with the Charge out of the fame in all Ways and Means f. This was thought proper to be laid before the Commons, and all the Requests aforesaid were granted. The faid Lord Cromwell, by another Petition, also shewed that Warrants for Payments were come to him for more than two Years Profits of the Crown; wherefore he defired that the Confideration of the King's Estate might be speedy, and that a Prescription for his Payment should be made.

Acts paffed.

In the Statutes at large are several Acts made this Parliament, on the Petitions of the Commons, very conducive to the Public Good. There are likewise some more Petitions, on private Properties, in the Abridgement, not answering this Purpose. Some of the most remarkable

f These Schedules, though long, are very curious, to learn the Partieus lars and State of the Crown Revenues at this Time.

Aces, we think proper to give an Abstract of, are as fol-King Harry VI.

I. It was provided by an Act, 'That such Persons as were Keepers of the Stews, or Whore-Houses, in Sauthwark, should not be impannell'd upon any Jury, nor keep an Inn, or Tavern, in any other Places, less Men of such vile Consciences and Practices should corrupt Justice, and propagate their Villanies over the Nation.'

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2. It was enacted, 'That even Disseisors should not be put out of Possession by any collusive Tricks of Law, as was then usual, by making the Sheriss the Disselson, and then entering upon the Lands for the Desault of the Tenant's not answering; Wherefore it was ordained, That all such Writs shall be abated and quashed.' And

3. In the Behalf of the Person disserted wrongfully of his Lands, whereas before the Law was, that the Disserted might sue the Disserted in his Life-time, if he took the Profits at the Time of the Suit commenced, which to avoid, the Disserted over the Land by Feossments to others, and so avoided the Suit: Whereupon it was enacted, 'That the Disserted should have their Action as well against the Feossee, as Disserted himself, if either of them take the Profits of the Land.'

4. And because divers Tenants of Lands for Term of Life and Years, made over the said Lands to other Under-Tenants, to the End that they might not be liable to Writs of Waste, for the Damages done upon the said Lands, by their Order and Connivance, before the Grant of the said Leases; it was hereupon enacted, That the Tenant in Reversion might have his Action against the Tenant for Life or Years, for the Damages done, as well before as after the Lease made to any Under-Tenants, and recover treble Damages for the said Waste, provided that it were proved that the said First-Tenants took the Profits of the Land to their own proper Use at the Time of the Waste done.

5. Whereas divers Suits and Indictments, as well for the King as his Subjects, were discontinued by making of new Commissions for the Peace, to the great Delay of Justice, and Wrong of the Subjects, it was enacted, That no Pleas or Processes should be discontinued by any new Commissions, but the Justices so made should be and the same than the same t

King Henry VI. have Power and Authority to continue all Pleas depend-

ing, and determine the fame.'

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Weights and
Measures ascer-

6. An Abuse also being crept into the Nation about Measures contrary to the Statutes; and Purveyors, Bakers, Merchants, and Buyers of Corn, taking nine Bushels for the Quarter, it was enacted, 'That the Statutes for Weights and Measures should be proclaim'd in every Market-Town, and that there should be a Bushel, common Balance and Weights, in every Market-Town, City, and Borough, kept by the Mayor and Justices, according to the Standard in the Exchequer; and if any Person shall presume to sell or buy by any other Weight or Measures, they shall forfeit Five Pounds to the Person that shall sue for it, and Five Pounds to the King.'

7. Recognizors having found out a Way to defeat the Executions of such Persons as they were indebted to by Recognizance, by bringing their Writs De Corpus cum Causa out of Chancery, and giving Sureties to the King only, were delivered out of Prison, and their Creditors defeated of their Debts; it was therefore ordained, That Sureties should be given as well to the Party as to the King, that their Debts may be surely paid.

Other Acts, of less Importance, were also made this Seffion; as, about the Measure of certain Cloths, called Streights; for the punishing of such as shall dare to assault any Person coming to the Parliament, or Council, by the King's Command; and, lastly, for setting a Price upon Wax-Candles, Images, and Figures: But these Acts being only temporary, and long since out of Use, deserve little Regard.

We shall only observe that this Parliament sat to the 21st of December, for on that Day the Bishops and Lords of the King's Council were asked whether they would attend? The Cardinal, the two Archbishops, the Bishops of Ely and Lincoln, answered, They would when they could; but all the others promised absolutely to attend.

The Business done in this Parliament was great, and takes up a vast Space on the Rolls; but, before we part with it, we shall take Notice of two other Particulars; one was, That all Lords, Knights, Esquires, Yeomen, and all other Persons in the Realm, should, by special Com-

Commission, swear to perform the Article as made in King Henry VI. the eighth of this Kingo. The other, That all French Prisoners in this Kingdom, as well Hostages as others, who are found at large without the King's Safe-Conduct, their Keeper, or Host, may be, by any Englishman, taken and ranfomed as his Prisoner; considering, adds the Record, that Englishmen be so served in France. called Lex Talionis, made by this Parliament.

The French War still continued, and about this Time with good Success to the English, under the Conduct of the victorious Lord Talbot and the Earl of Arundele: But the latter having the Misfortune to be killed before the paltry Castle of Gerberoy, and the Dukes of Bedford and Burgundy commencing a Quarrel, which ended in an open Rupture between them, Affairs were again thrown into a different Situation in that Kingdom.

In this Interval we find that Writs of Summons were fent out to call a Parliament, dated Nov. 1, to meet at Westminster on the 8th Day of July following; which was afterwards prorogued to Reading fifteen Days after Michaelmas, in the 12th Year of this King's Reign .-The Abridger of the Records hath given us no Proceedings of this Parliament, for which Reason we suppose they were not entered on the Rolls; nor are there any Acts in the Statute-Books relating to it. It was not till two Years after the last, that a Parliament sat to do Bufiness, which was called by Writs dated at Westminster, July 5, Anno Dom. 1435, to meet at the same Place on the 10th of October following.

On which Day, being affembled before the King, fitting in his Chair of State in the Painted Chamber, the Anno Regni 14. Bishop of Bath and Wells P, then Chancellor of England, by the King's Command, opened the Session with At Westminster. a Speech, and took for his Theme this Text, Solliciti sitis servare Unitatem Spiritus in Vinculo Pacis; and, amongst other Matters, he told them, 'That the Duke of Burgundy, who had fworn Allegiance both to the

King and his Father, had basely broke his Oath, and revolted: That he had appointed a Diet, or Sitting, at

Arras, without the King's Knowledge, where two Car-

O See in this Volume, p. 292.

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1435.

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P John Stufford, afterwards translated to Canterbury. Le Neve's Fasti.

King Henry VI. Cardinals came to treat about a Peace between England. 4 and France: That, after the King was acquainted with it, he sent some Persons of Quality as his Ambassadors at this Meeting, who there proposed reasonable and honest Terms of Agreement, which the French refused. and scoffed at; by which nothing was done at that Diet. After which the King, he faid, was told that the faid Duke of Burgundy had entered into a League, with the French; and, as fuch, there remained nothing for the King to do, but either to lose his Stile and Title and Kingdom of France, or else resolve to defend the fame by Force. How to act in the best Manner in these Affairs, he added, was the Cause of this Assembly: for which End he defired the Commons to chuse a Speaker, and next Day to present him to the King. Accordingly they presented John Bowes, Esq. whose Excuse being resused, he made the usual Protestation, which was allowed.

[229] Jonn Bowss, Líq; chosen Speaker.

The first Thing we find upon the Record that this Parliament went upon, was to give Authority to the King's Council to make Securities to the Creditors of the Crown for 100,000 l. By the King's Letters Patent Security was also given to certain Persons, there named. for 8000 Marks fent by them to the King out of the Revenues of the Duke of Bedford, and the Earl of Arundele, deceased.

An unufual large Subfidy.

On the 23d of December, which probably was the last Day of this Parliament, fince Christmas was so near, an unusual Subsidy was also granted by this Parliament, viz. That every Person holding any Frank Tenant in Lands, Annuities, Fees, Offices, or Hereditaments, above the yearly Value of 51. should pay 6d. for every Pound, upon his Oath. Ascending from the said 100 s. or 5 l. up to the yearly Value of 100%. Above the last Sum to 400 l. a-year, 8 d. a Pound; and above this Estate of 4001. yearly, up to the highest Valuation, 25. for every Pound. They also granted to the King a full Tenth and a Fifteenth on the Laity; deducting thereof 4000 l. for the Relief of decayed Towns and Villages. A Subfidy also on every Sack of Wooll; 33s. 4d. from Merchants Denizens; and 46 s. 8 d. from Aliens; and fo according to that Rate on other Staple Ware, with Tonnage and Poundage, for two Years. Ιt

It is supposed that these large Subsidies were granted, King Howy VI4 as a very extraordinary Aid, to enable the King to keep his Possessing in France, then in great Danger of being intirely lost, by the Death of the Duke of Bedford, Regent of France, who died at Roan, Sept. 14, 1435, soon after a Peace had been concluded between Charles the French King and the Duke of Burgundy. It is said that the Duke of Bedford foresaw the Change that would inevitably sollow the making this Union, and that it would root the English out of France; which was one great Reason that hastened his Death 4.

Some public Acts were made this Session, in order chiefly to regulate some Abuses in other Acts, or to explain them better. The most remarkable are, 'That the Judges, in their Circuits, shall have Power to give 'Judgments in all Cases of Felony and Treason, as well upon Persons acquitted as attainted, and award Executions according to that Judgment. That all Woolls and Wooll-fells, that shall be shipped to be transported, shall be carried to Calais only; and no Licences shall be granted to the contrary, except by Laws enacted the King and Council. That all Wooll and Wooll-'fells, and other Merchandizes of the Staple, which 'shall be shipped in any Creeks or Ports clandestinely, in order to cheat the King of his Subfidies and Cu-'floms, shall be forseited to the King. That all Per-' fons who shall dare to disturb any Foreigners, in sell-'ing Fish or other Victuals, either by Wholesale or Retale, shall forfeit Ten Pounds, one Moiety to the

There is nothing else remarkable which hassed in this Session of Parliament; and the French War still subsist-ing, another was called to meet at Cambridge, January 21, the very next Year after the last: But for Reasons of State, not mentioned, was ordered by other Writs to meet at Westminster on the Day asoresaid.

King, and the other to the Person that shall sue for

'the same.'

John Bishop of Bath and Wells, Chancellor of Eng-Anno Regni 156 land, opened this Session with a very elaborate Speech, 1436. and made this Text his Subject, Corona Regni in Manu Dei,

9 Daniel in Kennet, 378,

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**Eing Henry VI. Dei, Isaiab lxii. On which he demonstrated, "That three Sorts of Men are crowned, viz. All Christians in their Baptism, in Token whereof they are anointed: All Clerks in their Order, in Token whereof they are shaven: And all Kings in their Coronation, who in Token thereof wear a Crown of Gold set about with Flowers and precious Stones. The Figure of the Crown, he resembled to the Body Politic of the Nation; the Flowers and Stones, to the Honours and Offices of a Prince, as Gold estimable and durable; and that Commonwealth is most firm and stable which is governed by the faithful Care of a Prince; for, as Gold is slexible to the Workman, so ought every Part of the Commonalty to be at the Beck of the Prince, seeking the Prosperity of him.

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The erecting and standing of the Flowers, in the upper Part of the Crown, denoteth the King's Prehe-'minency over his Subjects, which ought to be gar-! nished with four Cardinal Virtues; that is to say, in the Fore-Part ought to be Wildom, adorned with three precious Stones, viz. Memory of Things past, Circumspection of Things present, and Prudence in Things to come. On the Right Hand ought to be Fortitude, accompanied with Courage in attempting, Patience in fuffering, and Perseverance in well-meaning. On the Left Side ought to be Justice, distributing her Arms three Ways, to the Best, Mean, and Lowest. the Hinder-Part ought to be Temperance with her Trinity, viz. Restraint of Sensuality in Fear, Silence in Speech, and Mortification in Will: All which, proceeding from God, fully proved that the Crown of the

* King was in the Hand of God.'

He concluded with declaring, 'That this Parliament'
was called for three principal Causes; the first, For
Justice and Peace amongst Subjects; the second, How
the Commodities growing within this Realm might
have a ready Vent; the third, How the Realm might
be defended, and the Sea kept against Enemies and
Rebels. To which End he desired the Commons to
chuse their Speaker, and present him the next Day to

the King.'
The Receivers and Triers of Petitions for England, and all other Parts of the King's Dominions, being aparticular.

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pointed, according to antient Custom, the Commons King Henry VI. presented Sir John Tyrrel, Knight, to be their Speaker; Sir John Tyre. whose Excuse being refused, he, with the common Pro- ** Knight, testation, was allowed: But, March 19, a Committee Speaker, falling of Commons was sent to the King, declaring that their BERRLY, Esq; is House had newly chosen William Beerly, Esq; to be their chosen in his Speaker, in the room of Sir John Tyrrel, disabled from flead. attending by grievous Sickness; which William was allowed, by the King, under the usual Protestation.

The Subfidies granted by this Parliament (March 27) were the like Tenth and Fifteenth as in the last; also Subfides granted the same Subsidy on Woolls, &c. with Tonnage and Poundage, were granted for three Years to come. Authority was likewise given to the King's Council to make Assurances to the King's Creditors for another Sum of 100,000 /. And, by the fame Authority, the Treasurer of England was to pay to the Cardinal Bishop of Win-

chester 2000 Marks.

The important Town of Calais was at this Time befieged by the Duke of Burgundy in Person, and a numerous Army. On this the Duke of Gloucester, Captain or Governor of the faid Town, petitioned this Parliament, that if any Misfortune should happen to his Charge, for Want of Payment of the Soldiers in that Garrison, the same might not be imputed to his Misconduct: However, History informs us that the Duke of Gloucester went over in Person, with an Army, to the Relief of that Town; on whose Arrival the Flemings, under the Duke of Burgundy, raised the Siege, and sled away shamefully for Fear of a Battle.

The particular Acts made this Session, were, first, Acts passed A Remedy was provided against vexatious and troublesome Suits of such Persons as were not of the King's Houshould, in the Court of Stewards and Marshals of the King's House; and it was allowed as an Exemption from their Jurisdiction to plead and aver, that they are

not of the King's House.'

Second, 'An Allowance was given to all the King's Subjects of England to transport Corn, when at a low Price, out of the Realm, viz. Wheat at 6 s. 8 d. and Barley at 3s. 4d. the Quarter.'

Third, An Injunction to all Sheriffs, Bailiffs of Franchises, and Coroners, that in Actions, or Writs of At-Vol. II.

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do not return or impannel any Persons but such as be inhabiting in his Bailiwick, and have an Estate to their own Use, in Lands and Tenements, to the yearly Value of 201. or more, on the Penalty of forseiting 101. to the King, and 101. to the Plaintiffs in the said Action or Writs of Attaint; and that no Person of less Sufficiency of Freehold than 201. a-year shall be sworn in the King's

Plaintiffs in due Form challenged.'

Fourth, 'A Permission was given to all Persons, as well Religious as Secular, to appoint themselves General Attorneys to sue or plead for them in every Hundred or

Court upon any Issue in the faid Actions, if he be by the

Weapontake.' And,

Fifth, A Prohibition was laid upon all Merchants, to ship, or cause to be shipped, any Wooll, Wooll-sells, or other Merchandizes belonging to the Staple, in any Place within this Realm, except at the Keys and Wharss assigned by the Statute, where the King's Weights and Woolls are set; excepting the Merchants of Genoa, Venice, Tuscany, Lombardy, Florence, Catalonia, and the Burgesses of Berwick.

It may not be improper to take Notice of some Petitions also, of a more public Concern than ordinary, as,

Petitions in Parliament.

On a Petition of Humphrey Duke of Gloucester, and Dame Eleanor his Wife, the King granted his Letters Patent, confirmed by this Parliament, giving Licence to the said Duke to impark 200 Acres of Land in Greenwich, and that they may embattle their Manor-House there, and build it with Stone; also to raise a Tower of Stone within the said Park.

John Earl of Oxford petitioned for a Pardon for 3001. the Remainder of a Fine of 30001. paid to the King for marrying without Licence. It was answered, That the said Debt was affigned over, but that the King would

remember him fome other Way.

Sir Richard Woodville, Knt. paid to the King 1000l.

23 a Fine for marrying Jaquet, or Jaqueline, Duchess of Bedford, without Licence. This foreign Lady shewed as little Continence in her Widowhood as Queen Katherine had done, being quickly married again to the aforefaid brisk young Knight, afterwards created Earl of Rivers,

In the old Statutes this City of Genoa is always wrote Year.

Rivers, by whom she had several Children; and amongst King Henry VI. them the Lady Elizabeth, who, being Wife to King

Edward IV. was afterwards Queen of England.

About this Time died Katherine Queen of England's, Mother to Henry VI. and it being notified to the King in Parliament, that his Mother had made him fole Executor to her Will, the King appointed Robert Ralfton, Clerk, Keeper of the Great Wardrobe, John Merston and Richard Alreed, Esqrs. to execute the said Queen's Will, under the Direction of the Cardinal, the Duke of Gloucester, and the Bishop of Lincoln, or any two of them, to whom they should account.

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On the Petition of Isabel, late Wife of John Boteler, of Beansy, in the County of Lancaster, Knight, which Isabel, one William Pull, of Wirall, in the County of Chester, Gentleman, shamefully did ravish; it was enacted, That if the said William do not surrender himfelf after Proclamation made against him, that he should be taken as a Traitor attainted. The said Isabel, by another Petition, shewed how the said William, by Duress and Means of Imprisonment, inforced her to marry him, and, under Colour thereof, ravished her; for which she prayed to have her Appeal; which was granted.

The last Things we find on the Record, transacted A general Pare this Parliament, was the King's general Pardon of all Treasons, Felonics, Forseitures, and other Offences; but this does not appear in the Statute-Books. This Act of Indemnity was granted on the same Day, March 27, after the foregoing Subsidies were given, and which was the last of this Parliament. Authority was given also to the Lords of the Council, to answer all such Petitions

as were not answered in this Parliament.

We have now a Course of three Years before we meet with another Parliament, the before-given Subsidies being to subsidie till then; during which Time our larger English Historians are very sull in their Descriptions of the French War, and the various Effects of it to both Nations. But in the Year 1439, the English Government wanting fresh Supplies, a Parliament was summoned.

r She died January 2, 1436-7, at Bermondsea, and was buried at West-minster. Her Bones are shewn, at this Time, in an open Cossin in West-minster Abbey.

King Henry VI. moned to meet on the Morrow after the Feast of St. Martin, or November 12, at Westminster.

Anno Regni 18. At Westminster.

At which Time and Place being all affembled, the Bishop of Bath and Wells, still Chancellor, was commanded by the King to open the Session by a Speech. who took for his Subject this Text, Adaperiat Dominus Cor vestrum in Lege sua, & in Præceptis suis, et faciat Pacem 1. From which Words he endeavoured to draw two especial Points; the first, 'What great Desire every Christian ought to have to the Reformation of his Life. by the only Means of God; who, against all Hardness,

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was to bend and to incline his Heart to God's Laws and Commandments. The fecond, What Thirst every · fick Christian ought to have, to crave and seek Peace.

after his manifold Conflicts and Battles in this World. · As to the first, That God should open the Heart, and not the Hearts, fince the Words were spoken to

the Children of Israel; he noted that thereby was meant. a mystical Unity, according to these Words in Scripture, · Convenit universus Israel ad Civitatem quasi Homo unus, eadem Mente, unoque Consilio; which, being spoken to

them, was left for our Learning, that we might follow the fame, and might attain to true Peace.

'To the second, By this Word Israel is understood their States, namely, of Princes, of Nobles, of Power, and of Wisdom; all which, if they agreed in Unity, there is no Doubt but Peace of Body and Soul would enfue.

For the Restoring of which he told them that this • Parliament was called; remembering them, that the King would have all Estates enjoy their Liberties; then defired the Commons to chuse, and the next Day ' to prefent, their Speaker to the King.'

This formal Prelate having ended his Spiritual Harangue, the next Day the Commons presented to the TRESHAM, Efq; King William Tresham, Efq; who, with the usual Solem-

nity, was allowed as their Speaker.

We find, by the Record, that this Parliament sat but a short Time at Westminster; for, before they had done any Business, on the 21st of December they were prorogued to the Morrow after St. Hilary, ['fan. 14] to meet at Reading. This Prorogation to so distant a Place

t Secundo Mathaberrum primo. Record.

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Speaker.

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Place from the other, was because, as the Record tells King Henry VI. us, there was so much Business to do at it as could not be persected before Christmas: But Historians acquaint us that the Plague then raged in London and Westminster, which might be another Reason for their Removal. There is no Account left us of their second Meeting; but the Entries on the Rolls are put down as if they were all done at one Session.

The Subsidies granted by this Parliament were a full Supplies granted. Tenth and a Fifteenth, and half a Fifteenth and a Tenth, to be levied on the Laity in such Form as was in the fourth Year of this King. An Impost on Woolls was also granted for three Years, as An. 14 Henry VI. The Commons also granted to the King, That all Aliens, Men and Women, not Denizens, within the Realm, should pay to the King, yearly, 16d. for each, being an House-keeper; being none, 6d.

The same Authority was also given to the Treasurer of England, and others, to make Securities for 100,000 l. as in former Parliaments. An Order was also taken for the Payment of the King's Debts, contracted for the

Provisions of his Houshold.

There were no less than nineteen Statutes made in this Parliament, though how long it sat at both Places is uncertain. The most remarkable of which Acts are these:

1. 'That Cheese and Butter may be carried out of Acts passed.

the Kingdom without Licence.

2. 'That Merchant Strangers shall not sell their Merchandizes one to another in England; but that every such Merchant shall have an Host, or Surveyor, appointed him at his Landing, by the Chief Officer of the Town or Place where he shall land, who shall keep a Register of all he buys and sells, and take Twopence in the Pound of him for all Merchandize by him bought or sold, and the said Merchants shall sell and buy all within eight Months.

3. 'That all Persons, made Justices of the Peace, should have Lands and Tenements to the Value of 201. a-year, except in Cities and Corporations.' The Reason affigned for this Statute was then, as it has very lately been thought proper, because that some Persons had been appointed Justices, who, on Account of their

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Mean-

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Petitions.

King Henry VI. Meanness and Incapacity, could not govern or direct the People; whilst others, by reason of their Necessities, committed great Extortions and Oppressions.

4. 'That no Captain shall detain the Wages of common Soldiers, except it be for their Cloathing, under the Penalty of 201. for every Spear; and 101. for a Bow,

to be paid to the King ".

5. That every Person mustering and receiving the King's Wages, who shall depart from their Captains and the King's Service, without apparent Licence granted them by the said Captains, shall be punished as Felons.

6. That no Person shall be a Collector of Dismes and Quinzimes [Tenths and Fisteenths] in any County, who is so in the City of the same, except he be able to dispend, in Lands and Tenements, in the said County, 100s. a-year, over and above all Charges and Reprizes.

There are also many Petitions on private Affairs, which are not worth Notice; the most public from the

Commons, with their Answers, are as follow:

Pet. 'That no Person, once making Fine for not being Knighted, be ever again called for it; and that the Fines be no other than usual.

Anf. The King will be advised.

Pet. That every Merchant may lawfully transport all Manner of Hides, Calf-Skins, long Fells, and Tal-low, to what Place he liketh, besides to Calais.

Ans. The King will be advised.

Pet. 'That no Owner of any Ship be impeached for any Hurt done by his Ship to any other Ship on the Sea, or in Port, or Creek, if he was not a Party thereto.

Anf. The same as before.

Pet. 'That every Collector of Customs, and Competroller of every Port, may licence the King's Subjects to transport Corn from one Shire or Town to another, taking Surety of Debt, to the Value, that the same be not carried beyond Sea.

Ans. As before.

Pet. 'That no Italian, or other Merchant, beyond the Straits of Morocco, [now Gibraltar] bring any Merchandize into the Realm, but such as is the Produce of

y Statute 18 Henry VI. chap. xviii.

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of their own Countries, for very good Reasons men. King Henry VI. 6 tioned in the Record.

Anf. The same as above.

Pet. 'That all Spiceries fold in any Port within the Realm, by any Merchants Strangers, be as clear gar-' belled as the same is in London.'

Anf. The King will be advised.

An Act was made this Session, That the fourth Part of the Tenth and Fifteenth shall be paid to the Treafurer of the King's Houshold, in order to make ready Payment for the King's Purveyance. And by the faid Act it appears, the Revenues of the Duchies of Lancafter and Cornwall were also appropriated to that Use.

On the Petition of the Judges it was enacted, 'That all the Justices of both Benches, Justices of Assize, the King's Serjeant and Attorney, shall yearly, at two Feasts of the Year then expressed, be paid, and allowed their Fees and Liveries, by the Hands of the Clerk of the Hanaper for the Time being, out of the Customs of London,

Bristol, and King ston upon Hull.'

The Archbishop of Roan, Cardinal of Luxemburg . to whom the Pope, at the Death of the Bishop of Ely, had granted, during the faid Archbishop's Life, all the Profits of the faid Bishopric, by the Name of Administrator, shewed his Bull to the King, who utterly rejected it: Notwithstanding, for his Services done in France, the King makes him a new Grant of the Administration So strictly was the Statute of Pramunire, so often mentioned before, adhered to in those Days.

The last Thing that we think proper to take Notice of, among the Transactions of this Parliament, is, that, in Consideration of the great Plague of Pestilence, so called, it was enacted, 'That all fuch Persons as should do Homage to the King, holding by Knight's Service, should do the same without kissing him; and the same Homage to be as good as though the Kiss was given. On which the Abridger of the Records makes this wife Remark, 'That, by this, it appears that the Custom of Homage done in those Times doth greatly vary from the present Ceremony; for now they are so far from kiffing the King, that they do not so much as see 6 him.

In

w Collier's Ecclefiaftical Hiftery, Vol. I. p. 668.

The Parliamentary HISTORY

King Henry VI.

1442.

In the 20th Year of this King another Parliament was Anno Regni 20. called by Writ, to meet at Westminster on the Feast of the Conversion of St. Paul; but no more than the Names of the Peers fo summoned are given in the Abridgement At Westminster. of the Records about it. It stands, however, on the Roll of Parliament, 20 Henry VI. and from thence we give this Abstract of the Proceedings of it.

The Parliament being met, and the King seated on his Throne, in the Painted Chamber of the Palace of Westminster, John Bishop of Bath and Wells, still Lord-Chancellor, declared the Cause of the Summons, and took for his Theme, Rex & Thronus ejus sit innocens. On which short Text the Chancellor made a very long Harangue; but it being purely spiritual, and a Sermon throughout, in which a great deal of the School-Divinity of that Age is intermixed, we shall omit, and come to his recommending to the Commons to chuse a Speaker; which they did, and the next Day presented William TRESHAM, Esq; Tresham, Esq; for that Purpose; who, with the usual

chosen Speaker. Protestation, was allowed.

A Subfidy.

The Taxes and Subfidies granted this Parliament were much the same as in the last; a Tax of a Fisteenth and a Tenth on all moveable Goods, to be laid on the Laity; referving 4000 l. of the Money arising from this Tax for the Relief of decayed Towns and Villages, as had been done in some late Parliaments. Some of these Places are particularly named in these Grants, of which the City of Lincoln is always one. They also granted the same Subsidy on Wooll and Wooll-fells as in the last, for two Years next coming; wherein is likewise a faving Clause to the said City, That the Mayor and Citizens, and their Successors, shall ship off yearly fixty Sacks of Wooll, at the Ports of King ston upon Hull or Boston, without paying any Subsidy. And this extraordinary Grant is faid, in the Record, to be given in Support and Relief of the great Charge they were at in the Payment of the Fee-Farm Rent of the said City.

The same Kind of Poll-Tax on Aliens, as in the last, was granted by this Parliament, viz. 1s. 4d. on Householders, and 6 d. on those that were not; Tonnage and Poundage also at the usual Rates; and all these Taxes

and Subfidies for two Years to come.

A Vote of Credit was also passed, for the King and King Henry V I. his Council to borrow 200,000 l. and to make Assurances for the fame out of the Funds arising from the Subfidies. &c.

Amongst the Acts passed in this Parliament, there was one somewhat particular; for a Law was made in it. That Noble Ladies shall be tried by their Peers. 'A Law, fays Mr. Nathaniel Bacon, now first stamped; and strange it was, adds he, that it never came before into the Breast of the Law; but that it came now is not strange; for no meaner Person than the Duchess of Gloucester was first charged with Treason; when that could not appear, then with Necromancy, very fitly, that she might be tried by the Ecclesiastical Way of Witnesses. She is found guilty, and a Sentence of Pennance, Imprisonment, and Banishment passed thereupon, after such a wild Way, as both Nobles and Commons passed this Law for the Vindication of that Noble Sex from fuch hudling Trials for the future a.

The rest of the Business of this Parliament runs chiefly on private Matters; a Patent was passed in it for creating Sir John Cornwall Baron of Milbrook, with a pompous Preamble to it, declaring his Descent, and great Services done in the French Wars, &c. We shall therefore only fay that they fat till March 27, 1443, and then were disfolved, making Way for much greater Matters which were transacted in some of the next Par-

liaments.

It was not till near three Years after this Period that we meet with any Account of a Parliament, when Writs L 239 J were issued out, dated at Westminster, January 13, for one to meet at the same Place on the 25th of February At Westminster. following.

In Presence of the King sitting in Person in his Chair of State, and of the Lords and Commons, John Stafford, late Bishop of Bath and Wells, but now Archbishop of Canterbury, Primate of all England, Deputy to the See of Rome, and Chancellor of England, declared the Cause of calling this Parliament, and took

a Nathaniel Bacon's Continuation of an Historical Discourse on the Government of England, &c. p. 174.

King Henry VI. for his Subject these Words from Pfalm lxxxiv. Justitia & Pax osculatæ sunt.

On which he told them, 'That thro' the great Di-Igence and Conduct of the Earl of Suffalk, the King's

dear Coufin, and other Noblemen, fent as Ambassa-

The King's

dors into France, as well upon a Treaty of Marriage Marriage notified to be had between the King and Margaret, Daughter

to the King of Sicily, as for to fettle a Peace between • England and France, the faid Marriage was contract-

ed; and a Suspension of Arms, for a Time, was grant-

ed. He further said, That the said Earl staid in France

for the fafe Conduct of the faid Princess Margaret in-

to the Realm of England, by which two Means he

'nothing doubted, but that, thro' God's Grace, the

faid Truce would end so well that Justice and Peace

fhould be within this Nation more than it had been. He then bid the Commons chuse and present their

Speaker to the King.

Burley, Efq;

On the second Day of this Parliament the Commons notified to the Lords, that they had chosen their Speaker; and the next Day they presented William Burley, chosen Speaker. Esq; to the King; whose Excuse being rejected, he was allowed as Speaker, under the common Protestation.

This Seffion, we find, by the Record, was continued to March the 15th, but no Notice taken of any more Business done in it; when the Chancellor, by the King's Command, with the Assent of the Lords, and in the Presence of the Commons, prorogued the Parliament from that Day to the 29th of April next en-

fuing, at Westminster aforesaid.

This Prorogation we may suppose was designed to give Time for the new Queen to arrive, who came into England, under the Conduct of the Earl of Suffolk, about the Beginning of April this Year, and was crown-

ed at Westminster, the 30th of the same Month, with The new Queen the usual Solemnity and Ceremonies. This Lady was

crowned.

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the Daughter of Reyner, Duke of Anjou, and titular King of Sicily, Naples and Jerusalem; Great Names, indeed! but they brought this poor King neither Profit The Match was first propounded by nor Authority. the Earl of Suffolk, at that Time fent as one of Henry's Ambassadors to treat about a Peace with the French King,

King. And, the face brought no Fortune with her, King Heavy VIyet it was believed it would prove an effectual Means of uniting the Minds of the two contending Princes: For she, being a near Relation to the King of France, might prove the Foundation of a firm Peace; which would save England more Treasure than the greatest Prince in the World could give with a Daughter 4.

These were the apparent Motives that induced the Earl of Suffolk to exceed his Commission; and, without his Master's Knowledge, not only to contract him in Marriage, but to undertake, instead of receiving a Portion with the Lady, that the Duchy of Anjou, with the whole Province of Main, then in the Hands of the English, should be given up to her Father. Though the Earl of Suffolk was more zealous than cautious in this Affair, yet knowing well his Master Henry's natural Mildness and Disposition for Peace, he ventured to take this extraordinary Step; which, though at first was well relished in England, both by the King and People, yet, in the End, proved very detrimental to the English Interest, and was the Occasion of Suffolk's own Destruction. What Notice was taken of these primary Affairs, in Parliament, the Consequence will show.

But before this Parliament suffered its first Prorogation we find, by the Roll, that, on the 15th Day of March, in the 23d Year of this King and the 19th of this Session, the Commons, with the Assent of the Lords, granted the King half a Fisteenth and half a Tenth of all moveable Goods, reserving out of both 2000 l. for the Relief of decayed Cities and Burghs, and were prorogued to the 29th Day of April, as above; which then was in the 24th Year of this Reign. From which Time they seem to have sat untill the 5th Day of June, the same Year, without any Business, entered on Record, being done at this second Session. For on the last-

mentioned

q Polydore Vergil gives this Princess the following high Character: Puellam tam ultra alias Fæminas pulchram quam prudentem, ac Animo præter. Naturam Sexus præditam ingenti, quod ejus Res gestæ quas suo Ordine memorabimus perspicue declararunt. Polyd. Verg. Lib. xxiii. p. 491.

Another Foreigner compliments his Country Woman in a lostier Strain:

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Another Foreigner compliments his Country Woman in a loftier Strain:

L'Angleterre n'avoir point encore vue de Reine plus digne du Trone que Marguerite d'Anjou. Nulle Femme ne la furpassoit en Beauté, & peu d'Hommes l'egalloient en Courage. Il sembloit que le Ciel l'eut formee a Deffin de surppieer a ce qui manquoit a son Mari pour etre un grand Roi, &c. P'Oi leuns Hist, de Revol. d'Angleterre. Tom, 11. p. 196.

King Henry VI. mentioned Day another Prorogation succeeded to the 20th of October, next coming, at Westmirster. Reason of this last Prorogation is said to be a dreadful Pestilence that then began to break out in the City of London and Suburbs of the same b, before the Parliament had dispatched the great Business that was before them. And also because, the Autumnal Season approaching, the Lords might retire to their Country Recreations, and the Commons better attend Har-

vest, &c.

From the 20th of October, the Day we must suppose this Parliament met again, we find they fat to the 5th Day of December, but no Entry of any Business, in this Interval, is on the Roll; but, on that Day, it is faid the King, by the Advice of the Lords Spiritual and Temporal, again prorogued this Parliament to the 24th of January next coming at Westminster. The Reason of this last Prorogation is said to be for that they had more Business before them than they could dispatch before Christmas.

From the last mentioned Day, January 24, a very long Series of Business, done by this Parliament, is entered on the Roll; and feems as if it was the Sum of all they had done fince their first Meeting. A Detail of what may be thought necessary now follows.

Another Subfidy Parliament.

The first Thing of Moment we find is a Grant of granted by this another, and a much greater, Subsidy than the last, viz. a whole Fifteenth and a Tenth, and half a Fifteenth and a Tenth; referving, out of the former, the Sum of 60001. and out of the latter 3000 l. for the Relief of poor Towns, desolate, wasted, and destroyed; or, as the Record has it, to the faid Fifteenth and Tenth over-greatly charged. This Grant was made, we are told, on the 9th Day of April, which was the last of the Sitting of this Parliament. Tonnage and Poundage, as granted in former Parliaments, was also settled for three Years to come.

> The same Day the foregoing Grants were made, the Lord Chancellor of England, in the Presence of the King and whole Parliament, made a Protestation, That the Peace which the King had made with the • French King, or rather was about to make, was mere-

D Quod in Civitate London et Suburbiis ejusdem gravis Pestilentia ceperat iam orire. Rot, Parl. 23 & 24 Hen. VI. No. 11.

ely of his own Motion and Will; and that he was not King Henry VI. 'instigated thereto by himself, or any of the Lords what-

'foever.' Which Protest was enrolled.

On this it was enacted, by the Authority aforesaid,

That the Statute made in the Reign of Henry V. im-A Peace with

oporting, That no Peace should be made with the French France.

King that now is, and was then called the Dauphin

of France, without the Assent of the Three Estates of both Realms, should be utterly repealed and revoked:

And that no Person whatsoever should be impeached

at any Time to come, for giving Counsel to bring

4 about this Peace with France.

' to the King.'

This extraordinary Act, which, by the bye, is not inferted amongst the Statutes of this Parliament, seems to have been calculated for a Compliment to the Earl of Suffolk, now made a Marquis for this Piece of Service, and to indemnify him from any further Trouble about the Match; for we are told, by the Records, that, on the second Day of June last, the Marquis came into the House, and made a Declaration of his Services to the King, Lords, and Commons, and his Request was, that they would judge all he had done to be reasonable and just. That, on the 4th of June, the Speaker of the House of Commons came before the King and Lords, and there, in Behalf of their whole Body, highly commended the Person and numerous Services of the Marquis and Earl of Suffolk, particularly for the King's Marriage, The Marquis of and for obtaining the Truce with France; for all which, Suffolk approved at the Request of the Commons and Mediation of the ment for his Lords, a Vote was passed, 'That the said Marquis Conduct therein. • should be esteemed as a most true and faithful Subject

An Historian of Credit, and more circumstantial in Parliamentary Affairs than any other c, tells us, That the Marquis of Suffolk made a long and elegant Speech in the House of Lords on this Occasion; setting forth the Pains and Labour he had been at in his Ambassage into France, as well in concluding a Truce for a Seafon, as in making up the Match for the King; ade vertifing them, that, as the Truce was to expire in · April, he, like a faithful Subject, advised that all Preparation should be made for the Preservation of the

c Sam, Daniel in Kennet, p. 394, 395. See Stowe's Chron. p. 385.

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King Henry VI. ' King's Country in France, praying them to take Notice of it, and give him a Discharge for his Legation. The next Day he went into the Lower-House, and with equal Eloquence, not only shewed his Fidelity in his Legation, but fet forth what great Charges he * had been at in attending it, and fetching over the Queen; defiring that this Action might be recorded in the Parliament Rolls, and himself be discharged by both Houses, with a Consideration for the Expence. Behold, (adds our Authority) what the Eloquence of Favourites can do! Few Men of Prudence in either House but knew that the Marquis deserved little Thanks for his Labour, either in making the Peace or the Match; yet, as if all had been well done for the Nation's Interest, the very next Day the Speaker • of the House of Commons, William Burley, attended with a great Number of the House, went up to the Lords, and defired their Concurrence in a Petition to the King, to reward the Marquis for his Services: And, to shew their Gratitude, they caused the whole Action to be inrolled, and gave him a whole Fifteenth 'in Confideration of his Expences.'

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This is our Historian's Account, which differs not much, except in the Embellishment, from the Records; and except the Fifteenth given to the Marquis, of which there is no Mention in the Records, nor in any of our antient Chronicles. A modern Historian remarks that this was one of those Parliaments that was managed by Court Intrigues; which, adds he, has been too often the Case. This plainly appeared in a Resolution to return the Marquis of Suffolk public Thanks for negotiating the King's Marriage, without any Advantage accruing to either King or State, by uniting him to a Family that was a mortal Enemy to both ".

There are no less than eighteen several Acts, some new, and others explanatory, which were passed this Session, and are in our Statute-Books. The Heads of those, that chiefly regard the public Concern, are these:

'A Rehearsal of the Statute made 15 Hen.VI. chap. II. touching Licence to transport Corn, when Wheat doth not exceed 6 s. 8 d. and Barley 3 s. 4 d. the Quarter, made

a Rapin, Folie Edition, 569.

made perpetual' x. No Man shall be Sheriff or Under-King Henry Vi. Sheriff, &c. above a Year. No Sheriff shall let to Farm his County or Bailiwick: The Sheriffs and Bailiffs Fees in several Cases limited.'

4 An Act for the ordering and levying the Wages of the Knights of Parliament. Who shall be Knights for the Parliament. The Manner of their Election. The Remedy where one is chosen and another returned, &c.

The King's Letters Patent under the Great Seal of England, and under the Seal of the Duchy of Lancafter, made to John, Cardinal and Archbishop of Canterbury, and feveral others, relating to some Possessions in the faid Duchy; and three other Letters Patent under the Seal only of the Duchy of Lancaster, made to the Persons aforesaid, of several Possessions to the Performance of the Last Will and Testament of the present King, were read and confirmed by the whole Estates in Parliament.

The King's Letters Patent for the Erection and Endowment of Eaton College, founded 20 Henry VI. with all the Lands and Liberties then and now granted, were especially declared and confirmed by Parliament. As also the like Letters Patent of the King's, made for the erecting and endowing a College [King's College] in Cambridge, were publickly read and confirmed by this Parliament.

The new Queen seeing the Marquis of Suffolk, who is faid by Historians to be too great a Favourite with her, particularly honoured for his Services by the Lords and Representatives of the Nation, found it no Difficulty to get her easy Husband to join in conferring He is created a new Dignities upon him. He was presently raised from Duke, and gains Marquis to Duke of Suffolk, and had several Manors the Management and Wardships given him to support this new Dignity; of the Kingdom, and, having the Queen's Heart, who certainly managed Means. the King as she pleased, this new Duke may properly

be then said to be the greatest Man in the Kingdom. The Person that stood the most in their Way to an absolute Rule, was Humphrey, for his great Humanity and Hospitality, justly called the good Duke of Glou-This Nobleman had been long engaged in a.

mortal * This was done, fays Hall, to please the People; ad captum Vulgi. And was again confirmed by Edward IV.

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King Henry VI. mortal Quarrel with his half-bred Uncle, Henry Beaufort, the haughty Bishop of Winchester; as the former Part of these Inquiries, and the larger English Historians, do more particularly relate. The Duke had acted in his Protectorship with great Wisdom and Caution; yet even in that great Post he could not escape a Snare laid for him by the Cardinal, and his other Enemies. His Duchess was accused of tampering and dealing with Witches and Conjurers, in order to deprive the King of his Life, and raise her Husband to the Crown. fuperstitious Ignorance of that Age made this Accusation eafily credited; and, being found guilty along with her Accomplices, they suffered Death, and she a shameful Pennance and a perpetual Imprisonment.

The new Favourite, as hath been said, having found he could not have all Things within his Gripe without removing this great Man, soon contrived to effect it. the Ruin of the The first Step that the Queen and her Minion took, was to get the Duke of Gloucester not only displaced from having any Command about the King's Person, but even from his Council. Not long after they accused him of feveral Crimes and Misdemeanors; all which the Duke cleared himself so well of, that he was honourably ac-

quitted of them before the King and Council.

This Disappointment did but aggravate his Enemies the more against him, and many other Snares were laid to catch him; for it was judged they durft not openly attack a Man of his Character, who was really the People's But a more plausible Expedient was at last thought of; a Parliament was refolved to be called, where he was to be apprehended for some Charge of High Treason, committed to close Custody, and then they thought they might have their Will of him.

A Parliament called for that

Accordingly we find, by the Records, that Writs were first issued out for calling a Parliament to meet at Cambridge on the 10th of February, 1447; but afterwards, for Reasons of State no doubt, other Writs were

Anno Regni 25. dispatched after them to summon the same Peers, by Name, to meet in Parliament, on the same Day, at 1447-St. Edmundsbury. St. Edmundsbury; when being all met, Lords and Commons, in the Refectory of the Abbey there, John Archbishop of Canterbury, Primate, Legate, and Chancellor, as before, opened the Session by the King's Command,

and

They contrive Duke of Gloucefter.

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and took for his Theme these Words: Qui autem ineunt King Henry VI.

Pacis Concilia, sequitur illos Gaudium.

Before the Chancellor handled his Text, he thought fit to acquaint the Assembly, 'That, between the Ambaffadors of the English and French Kings, an Agreement was made, that the two Kings should have an

Interview; and that sufficient Assurance would be gi-

ven for his Majesty's Passage beyond Sea, his safe Refidence there, and Return: For which Reason the King defired their Advice, and would act accordingly.

Afterwards, in repeating his Text, Qui autem, &c. he faid, 'There were three Kinds of Counsels; the first, Of the Wicked, utterly to be shunn'd, according to the Saying of the Psalmist, Beatus est Vir qui on ambulavit in Confilio Impiorum: The fecond, Of the Good and Learned, who go with Circumspection, according to Isaiah vi. Finito Consilio suscepit actior in Domu sua, & fecit Conam magnam: The third, Of the Holy Ghost, expelling all Doubts by working inwardingly, according to the Pfalmist, Confilium autem Domini in æternum manet; Cogitationes Cordis ejus a Generatione ad Generationem.' He concluded as usual. defiring the Commons to chuse and present their Speaker; and put them in Mind that the King's Will was, all Estates should enjoy their Liberties.

The Receivers and Triers of English and Foreign Petitions to this Parliament being appointed, on the second Day the Commons presented, as their Speaker, William WILLIAM

TRESHAM, Esq. Tresham, Esq; whose Excuse being rejected, he was, elected Speaker.

with the common Protestation, allowed.

It is very remarkable, after this usual Preamble, that the Heads of all the Acts made in this Parliament, in the Statute-Books, are comprized in two Lines; and what is mention'd on Record is little or nothing to the Purpose, Authority given to the King's Council for borrowing 100,000 l. some Grants of the King to his new-erected Colleges of Eaton and Cambridge; and an Exchange in the new Queen Margaret's Revenues of 46661. 135. 4d. out of the Customs, &c. for some Lands and Hereditaments settled on her, during Life, confirmed, was every Thing material done in this Parliament; except another Article, which may lead us into an Inquiry about this strange Proceeding of calling a Parliament on such Vol. II. a trifling [246]

King I

King Henry VI. a trifling Occasion; and when there were no Subsidies asked nor given, nor any other Business of Moment done at it. The Article is this: 'That it is by the King and Parliament enacted, That Eleaner, the Wife of

the late Duke of Gloucester, shall be utterly barred from

claiming any Dower of any of the Hereditaments, &c.

of the said Duke b.'

By this it appears that another Motive, and which hath been hinted at before, was the Occasion of calling this Parliament; and fince it has been so carefully kept out of the Records, the more general Historians must inform us.

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With the new Year, fays one c, the Lords began to prepare for meeting in Parliament at Bury d; and that the Duke of Gloucester might fear no Evil, all Things at Court were carried with great Smoothness towards him; but Care was taken to have it whispered in his Ear, that it was necessary he should be at it, to prevent the Designs of the Queen and her Party. The good Duke, not at all jealous of ill Practices, but re-

taining his old Zeal for the Commonwealth, hearken'd to the Caution, and, with the rest of the Lords, came

to the Place at the Time appointed, ready to attend

6 the National Business.

On the first Day of the Session all Things went well enough, and the Ceremonies at the Opening of a Parliament were performed as usual. But on the second

Day the Lord Beaument, then High-Constable of England, being accompanied with the Dukes of Bucking-

bam and Somerset, and many others, arrested the Duke of Gloucester and put him in Custody under a strong

Guard: His Servants were all taken from him, and

b This Act-begins thus: 'The King, confidering the great Milgovernance of Alianore that was Wife of his Uncle, late Duke of Gloucester, &c.' This Act was made on the 3d of March, by which it appears that the Duke was dead before that Time. Rot. Parl. 25 Heary VI. No. 17.

c Sam. Daniel by Kennet, p. 396.

d To which Town all the Commonalty of the whole County of Suffolk were warned to attend the King there, in their most desensible Array. Fabian's Chron. Anno 1447. Holling spead writes, That Bury was pitch'd upon as a much propeter Place to execute their Purpose against the Duke, than either Wessminster or London, on Account of his great Popularity, Chron. p. 627.

7. Stowe fays that the Roads about Bury were all kept by armed Men, both Day and Night, so that many died of Cold and Watching. Chron.

380.
 He is called, in the List of Peers, John Lord Viscount Beaumont.

The Duke of Gloucester arrested,

thirty-two of them fent to different Prisons. The Na-King Harry VI. tion was in great Amaze at this sudden Action, and 'every Man was inquisitive to know what new Matter was found out against the Duke, who had so lately cleared himself of all that could be alledged against 'him. His Enemies thought it necessary to lay some Crime to his Charge, and therefore gave it out that 'Humphrey Duke of Gloucester, with his Train of Servants, had traiterously conspired to kill the King, that 'he might set the Lady Eleanor, his Wife, at Liberty. 'A ridiculous Charge, but yet sufficient to quiet the People, whom they only feared in the Execution of their Defign; for the more improbable his Crime was, the easier it would be to free himself; and so the People [248] 'rested content with the Sense of his Wisdom and Innocency. But his Enemies had contrived otherwise, that he should never come to his Defence f; for the Night after his Commitment, as some say, but others a few And murdered Nights after 5, he was found dead in his Bed, and his privately. Body shewed to the Lords and Commons assembled in Parliament, and lay exposed to the open View of all Comers for some Time; in which, because no Signs of a violent Death appeared, it was reported that he 'died of an Apoplexy, or Imposthume. But because one of his Servants suffered after his Death, which they ought to have done, had they been guilty of High Treason, as was alledged against them, (though five of them were condemned, and, when near their Execution, were pardoned by the Duke of Suffolk's Meansh)

f The History of Croyland, contemporary, speaks thus of the Duke, Qui ad Responsum non admissus, nec judiciali Examine condemnatus, Vespere sospes & incolumis, Mane (prob Dolor) mortuus elatus est & ostensus. Hist. Croypand. Continuatio, p. 521.

g Fabian fays within fix Days after the Duke was arrested. Chron. Anno 1447.

John Stowe, twenty-four Days; and that some said the Duke died for Sorrow, that they would not bring him to his Answer. Chron. p. 386.

h Their Names were Sir Roger Chamberlain, Knt. Middleton, Herbert, and Arthur, Efgra. and one Richard Needham, Yeoman: They were fentenced to be drawn, hang'd, and quarter'd; of which the Drawing and Hanging were put in Execution; but when they were cut down to be quarter'd, and marked with a Knife for that Purpose, the Marquis of Suffolk, there present, shewed the King's Pardon for them, and they were released. A dangerous Experiment. Fabian, ibid.

The Pardon is in the Public Ast; at the End of which is the Date at

Westminster, June 4; and then, Per Ipsum Regen. & de Data prædiste, Austeritate Parliamenti. Fod. Ang. Tom. XI. p. 175.

King Henry VI. 6 it was generally thought a sufficient Ground to believe that he was murdered by the Queen's Means; and fome were so particular as to report that he was stran-

gled between two Pillows, or Feather Beds, as Thomas Woodstock, Duke of Gloucester before him, had been;

others, that he had an hot Spit run up his Fundament,

as King Edward II. had; others affirmed, that he died of mere Grief, because he saw he must now fall a Sa-

crifice to his Enemies Malice, without being allowed

to defend himself; all which Conjectures have little • Foundation. The most Discreet judge he was mur-

dered; but, being transacted in private, it was not safe

• to determine by what Means.'

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It is more than barely probable that this last Coniecture is right: A Parliament had been summoned on so trifling an Occasion as is mentioned in the Lord-Chancellor's Speech; and which, by the bye, was a mere Pretext, for not one Word more is mentioned in the Records or History, relating to the Royal Interview there spoken of: On which we may well suppose that it was a Trap laid to catch the Duke, and the Event too . plainly shews that his Death, either public or private. was the principal Design of it.

The Death of this great Man was, very foon after, revenged upon his Enemies; the Cardinal Bishop of Winchester died within a Month of him, and, as we are told, in great Agonies both of Body and Mind. tho' the Queen and the Duke of Suffolk now managed both the King and Kingdom without Controll, yet the Reign of the latter was very short-lived, as the Course of these Inquiries will shew. The Method they took to govern, was very oppressive and intolerable to the Subjects; and tho' the Queen made Use of her Husband's Name, yet she could scarcely hide her Usurpation, because, in England, the Queen Consort hath no Power. but Title only.

The Duke of York's first Attempts for the Crown.

The Death of the Duke of Gloucester had yet another ill Consequence, by opening a Door to the Duke of York to put in his Claim to the Crown, which he never durst have done, whilst a Man of such Wisdom and Popularity as the former stood in his Way. It does not appear that York had any Hand in the Duke's Murder; but it may be well supposed that he was glad to see it acted by others,

others, and that the Queen and her Minion went on in King Henry VIthe Government in the arbitrary Manner they did. In a small Time after Duke Humphrey's Death, he began to represent to his Friends the Misery of the Nation, which, under the Name of a King, weak and unable to govern, was ruled by an ambitious Queen and her Favourites. He first put it into their Heads, that it was necessary to pitch upon some other Person to be King, since the prefent King had deposed himself, in Effect, by suffering the Queen and Suffolk to over-rule all; that King Henry was really a good Man, but fitter for a Cloister than a Palace, therefore the Kingdom was to be put into better Hands than those of Women and Favourites. Having thus artfully infused into their Minds a general Discontent, he next put forward his own Title to the Crown; which, allowing Hereditary Right to be valid, was indubitable. Yet added, That tho' he would not vainly vaunt himself fit for so great an Office, he might boldly claim the Crown as his Right; and hoped that the Diligence and Valout he had shewn in France, for the Preservation of the English Dominions in that Kingdom, were Demonstrations enough to prove, that he had the true Spirit of an Englishman in him, and was zealous in all Things for the Good of the Nation.

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Thus much is thought proper to be faid, tho' fomewhat digressive from our Parliamentary Design, in order to keep up a Connection in History, and to shew at what Time those great Disputes between the two Houses began, which near overturned the whole Kingdom. was two Years after the last that we meet with another Parliament, which was called by Writs dated at Westminster, Jan. 2, to meet at the same Place on the 12th of February following. The first Peer now named on the List is Richard Duke of York.

On the Day appointed, being all met in the Painted-Anno Regni 27. Chamber of the Palace, John Archbishop of Canterbury, Chancellor of England, declared the Cause of the Sum- At Westminster. mons, and made a notable Declaration; but what it was the Records take no further Notice. Three Days after the Commons presented John Say, Esq; for their Speaker, John Say, Esq; who was allowed; and foon after a Grant of half a Tenth chosen Speaker. and half a Fifteenth, to be levied on the Laity, passed both

King Heavy VI. both Houses; referving out of the Monies arising from this Tax the Sum of 3000 l. for the Relief of poor

A Subfidy.

Towns, &c. A Grant also of Tonnage and Poundage, for five Years to come, on all Merchants whatfoever, with an Addition of 3s. more on Aliens as well of the Hans 1 Towns as otherwise. Authority was likewise given to the Council of State to borrow 100,000 1. as well upon the King's Revenue as his Jewels, &c.

This Parliament fat from the Date above to the 4th Day of April, without doing any other Business; and then, on Account of the approaching Festival of Easter, as is faid, it was prorogued to the 7th Day of May next coming, at Westminster. They sat at this second Seffion, we find, only to the 30th of this Month, and then were again prorogued and adjourned to the 16th Day of June, to meet at Winchester k. The Reasons given for this last Adjournment, or Prorogation, are, first, because the Festival of Pentecost was approaching, and for the Salubrity of the Air; that of London, as well as Westminster, being thought unwholsome and infectious.

At this Meeting of the Parliament at Winchester, we find that another Grant of half a Fifteenth and half a Tenth was passed, with a Reserve of 3000 l. out of it, for the Relief of poor Towns, &c. The same Poll-Tax of 16d. a Head was laid on all foreign Merchants, being Housekeepers, and 6d. on all the rest, who then resided in England. An additional and very particular Tax, of 6 s. 8 d. a Head, was laid on every Merchant Venetian, Italian, Januey, [Genoese] Florentyn, Myleners, [Milanese] Lucans, Cataloners, Albertyns, Lumbards, Hanhers, Prufiers 1, &c. and 20 d. a Head on each of their Clerks. Lastly, the old Subsidy on Wooll, &c. was granted for four Years to come.

All these extraordinary Grants, so near one another as to be given in one Parliament, shew that the Government had great Occasion for Supplies at that Time: And indeed so it appears by the very next Article on Record, in which we are told that a Message from the - Duke of Somerset, the King's Lieutenant in France, was

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Another, with

Poll-Tax.

i From the Merchants of the Hans and Almaigne, &c. Rot. Parl. 27 Henry VI. No. 9.

* Prorogavit & adjornavit. Rot. Parl. 27 Henry VI. No., 12.

I We have extracted these Names out of the Record, to shew the Extent of Trade in those Days.

delivered to this Parliament verbatim, by the Lord Hast-King Henry Visings, Chancellor of France, and the Abbot of Gleucester; importing, That the great Preparations the French were making, were such, that, if a War should happen, then the Country of Normandy was not able to defend itself. And as the Truce was to endure but for sourteen Months, it was necessary to acquaint the King and Council, in Discharge of the said Duke, that they might provide accordingly. The whole of this Message, which was deliver'd singly to the Parliament by the Abbot of Gloucester, is in the Records; and since it gives an exact Account how the English Assairs stood in France at this Time, the Reader may not be displaced with it in the Abbot's own Words. It is introduced in this Manner:

Redence i, by my Lord of Somerset, Lieutent of France and Normandy, committed to the Lord Hasting, Chancellor of Fraunce and the Abbot of Gloucester, opened by the Mouth of the seid Abbot in the Parlement by the King's Commandement, bothe to the Lordes and Commyns.

"Hit is not unknowne to your grete Discretione, how it liked our Soveraigne Lord not lang ago to commit the Governance of the Contrees, now beyng under his • Obeisance in his Reme of Fraunce and Duchie of Nor-* mandie, to the high and mighty Prince my Lord of So-"merfet; the which Prince in his notable Wysdome, see-'yng, by Experience, the grete, continuell, and daily Damages that ther been don by the Adversaries; seeying alsoe the verray Liklynesse within short Time of intollerable Hurt thereof, lasse then covenable and speedfull Remedie be prudently purveied here, fent hider my Lord Hasting, Chanceller of Fraunce, and me in his Company, with Letters of Credence to our Soveraigne Lord to let his Highness have Knowlethe of the doubt-'full and dangerous Disposition of that Contree, the which Credence as his Highness hath commanded, as compendiously as that I can, I shall open to your Wysdomes.

Our Credence containeth principally three Things;
 the first is to shew the grete Puissance and long-advised
 Ordennance, furnished with all Maner Abilements of
 Werre

i Rot. Parl. 27 Henry VI, No. 17.

King Henry VI., Werre of th'adverse Party, the which daily fortefie and

repaire and stuffe all their Garisons in the Fronters of the King's Obeissance, armed in grete Nombre agenst the Tenour of the Trewes, doyng Murdres innumerables, takeings the King's Subgetts Prisoners, as it were pleyne Werre, with other grete and lamentable Injuries, as open Robberies, Oppressions, and Pilleries, without Nombre, of the which Offenses they had be diverse Tymes somond and required by my said Lord of Somerset to make Cesse, and repair them after the Tenour of the Trewes; but nether Remedie ne resonable Answer may in anywise as yit hadde; wherefore it may be presupposed by their froward Dedes and contrarious Disposicon, that their Intencion is not to procede effectuelly to eny good Conclusion of Peas.

Alsoe the King's Oncle hath commanded, and made trye, thorogh all his Obeissance, that all Nobles prepare them to be redy horsed, armed, and in all wise abilled, as longeth to Men of Armes, within fifteen Dayes Warning, upon Peyn of Forseiture of all their Listod, the Nombre of which Men is grete and inesti-

mable.

Alsoe semblably the King's Oncle hath commanded to be cried in every Parish of his Obeissance, under the same Paine of Forseiture, that every thirty Men furnish a Man horsed and armed in Briganders and Leg-Harness, with a Long Bowe or a Crosse Bowe, and charged expressely that they do non other Labour but excercise them to their said Bowes and Harneys, the Nombre of which Men so abiled and arayed as it is seid by credible Persons, that of Reson shuld thereof have verray Knowlethe, excedith 60,000 Men; this is the first Part our Credence.

The second Part is to shew, that if the Werre shuld fall, as God desend, the Contrey of Normandie is in no wise of itselfe sufficeant to make Resistence against the grete Puissance of the seid Adversaries for many grete Consideracions; first, for there is no Place in the King's Obeissance there purveied, neither in Reparations, Ordenance, neither in eny Maner Artillerie; but well nigh all Places ben in such Ruyne, that though the werre stuffed with Men and Ordenance, they be so ruinous that they be unable to be defended and kept,

the which Reparations and Ordenance to be purveied King Henry VI.

fufficeantly, wold drawe to inestimable Costs.

Affoe all the last Grant of the Ayd in Normandie,
it was openly purposed by Three Estates there that the
general Poverti of the Contree was so grete, that it
was impossible for them to bere eny more hereafter
fuch Charges as they bore herebyfore, wherfore they
desired to have Nombre of Men of Werre made lesse,
or elles to shew to the King's Highness that ther might
be had Good of England to bere the seid Charges, for
of Necessate they seid they moste be spared for certeyn
Yeres of such Payments, or elles they moste be nedly
constrayned to goo ther way and forsake the Contree,
and suffer the Land to be abandoined to the Adverfaries, the which God ever defend. This is second
Part of our Credence.

'The third Part is to remember that the finall Terme f of the last Trewes approcheth fast; for as your Wysdomes have well in Mind, hit shall last now not fourteen Months; and therefore it is thought right high Time to begynne your Purveiance for the Safegard of that noble Land; wherefore my Lord of Somerfet mooft humbly beseketh the King's Highness, tenderly prayeth all my Lordes his Conseillers, and herty willeth all your Wysdomes to have that noble Land in your good and speciall Remembrance, calling to your Mind the grete, inestimable, and well-nigh infinite Cost and * Effusion both of Golde and Blode that this Land hath borne and fuffred for that Land Sake; whereof the fhamefull Losse, the which God ever desend, shuld. onot oonly be to the irreparable Hurt of the comin Profite, but alsoe a everlasting Spite and perpetuall Denigration in the Fame and Renoune of this noble Reame: In eschewing whereof, and alsoe lest his Silence, in this Behalfe, might, in anywife, be leyed hereaster, my seid Lord of Somerset, for his true Acquitall, gave us in Commandement to open his Credence, on this Behalfe, to the King's Highness, or to fuch as it pleased his Grace to command to here us; wherfore fith by his Commandement ye have benyngly herd us, as we have in the Name of my feid Lord of Somerfet, in the most humble wise besowght the King's ! Highness, and lowly prayed all the my Lordes in this · present

King Harry VI. c present Parliament assembled; in likewise tenderly we

desire all your Wysdomes that now represent all the

Comyns of this Land, that it like you to wey well all

4 the Confiderations of this Credence in your grete Dif-

cretions, and to help to purveye such Aide, Remedie,

and Brief Expedition as the Merites of the Mater required.'

Evermendy lost.

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The English Government took some Alarm at this Message, and being well provided with Money by the late Subsidies, a considerable Reinforcement was sent over to the Duke Regent; but these had ill Luck, and were most of them cut off; after which the Duke of Somerset gave up Caen to the French, and, in short, all Normandy, thirty Years after it had been conquered by Henry V.

A Motion was made in this Parliament, that the Soldiers Wages at Calais, and the Charge of the Reparations there, be paid out of the Sublidy on Woolls; which was granted n. This Motion produced an Act, which bore this Title, 'Because in the Reign of King Edward III. the Subfidies and Customs of the Staple of Calair was

68,000/. yearly, and now is not above 12,000/. there-

* fore no Licence granted, or to be granted, by the King, fhall be available for the Carriage of Woolls, Fells,

or Tin, to any Place out of the Realm but to Calais:

And whosoever doth obtain, accept, and put in Exe-

cution any fuch Licence, shall be out of the King's

· Protection.'

Also it was enacted, That if Woollen Cloths, made in this Realm, should be prohibited or not accepted in Holland, Brabant, and Zeland, under the Dominion of the Duke of Burgundy, then no Merchandize, growing or wrought within any of his Countries, shall come into England, on Pain of Forfeiture thereof .

Upon Contention between William Earl of Arundele and Thomas Earl of Deven P, for Superiority of Place in Council and Parliament; it was enacted by the King

[&]quot; Twenty Shillings out of the Tax on every Pack of Wooll, and as much out of that of 240 Wooll-fells, was allowed for that Purpose. Rot. Parl. 27 Henry VI. No. 17.

O Statutes at large, cap. 1, 2. P William Firm-Alan, Earl of Arundele, Thomas Courtency, Earl of Devoy. Dugdale's Baronage, Vol. I. p. 323.

and Lords, with the Advice of the Judges, That the faid King Henry VI. Earl of Arundele and his Heirs, by reason of the Castle and Honour of Arundele, shall for ever enjoy the Preheminence in the Presence of the King and elsewhere, above the faid Earl of Devon, as worshipfully (so faith the Act) as any of his Ancestors, Earls of Arundele before that Time, ever had. And yet it is observable, that, in all the succeeding Lists of Peers summoned to Parliament, the Earl of Devon is always placed before the Earl of Arundele.

But the most remarkable Thing done this Parliament, An Attempt of was by the Bishops; who now made a strong Push to the Clergy to separate the Act of Pramunire repealed. They had made of Pramunire considerable Interest in both Houses to effect their De- proves inestinguefign, but it was in vain. The greater Part of the Lords al. and Commons were fo zealous for the Continuance of it, that they were constrained to endure that Eve-sore and, fays an Author, it remains in Force to this Day 4. This Parliament fat to the 16th Day of July, 1449, and then was diffolved.

We have hinted before that the English Affairs in France were in a very bad Situation at that Time. The Loss of Normandy is ascribed, by an Historain, to three The Nation discontinuous Causes; First, The Treachery of the Natives there; who, tho' natural-born Subjects to the King of England, yet being French, in Language and Customs, they affected Subjection mostly to the French King. Secondly, The Duke of Somerset's Avarice, who kept not the Garrisons full as he ought to have done, that he might pocket the Money allowed for Soldiers. And, laftly, The Divisions at home, in which the Great Ones engaged with fo much Zeal, that they had no Regard to Affairs abroad.

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The Losses in France being known in England, it A Parliament bred a general Discontent amongst the People; and the called to meet at Fault was totally laid on the Queen and her Ministry. Leicester. The loudest Exclamations were raised against the Duke of Suffolk, as the chief Instrument of all the Misconduct; and it was refolved, that he should undergo a National Inquiry about it. The Queen, apprehensive of the

9 Daniel in Kennet, p, 400. r Ibib. p. 401. King Henry VI. the Danger her Favourite was in from such a Procedure, did all the could to prevent it; First, by endeavouring to hinder a Parliament from being called; and next, when she could not avoid that, by having it fummoned to meet at Leicester; where, in a Country-Town, she imagined, her numerous Attendance might over-awe the Members. But the Lords and Commons, who knew they were fafe under the Protection of the They refuse to City of London, positively refused to meet at all, unless

meet any where but at Westminfter.

they were appointed to come to Westminster. So the Writs of Summons were issued out, dated September 23, for a Parliament to meet, at the latter, on the 6th Day of November following.

A Parliament called there accordingly, Anno Regni 28,

By the Records, we find that this Parliament under-

1450;

went several Prorogations; for, on the first Day of the Seffion, John Archbishop of Canterbury declared to the Lords and Commons, that, for avoiding the infectious Air of Westminster , the King had really prorogued the faid Parliament to London b; and defired the Com-But prorogued to mons to chuse their Speaker, and present him the next Day to the King. The Abridger here observes, that

London.

it seems the Fear of the Plague had caused the Archbishop to forget his Oration; and the Clerk of Parliament to inroll him as Chancellor. Which shews, that fomething or other put them in great Confusion at this Time. On the third Day of the Session the Commons pre-

sented Sir John Popham, Knt. as their Speaker; whose [254] Excuse for not serving the Office, we find, was accepted c, and he was discharged. So, on the same Day, the WILLIAM TRESHAM, Esq; Commons presented William Tresham, Esq; for the same elected Speaker Purpose; who, without making any Excuse, and with Sir John Popham the common Protestation, was allowed. excused.

The Parliament again to Westminfter;

The Parliament was again adjourned December 4. adjourned back from London to Westminster, to be there held by the Chancellor, in the Presence of the King, Lords, and Commons, the next Day. And, on the 17th Day of the

2 Ob Aeris Infectionem in Villa West & aliis Locis Palatio suo ibidem adjacentious. Rot. Parl. 28 Henry VI. No. 1.

b In Domum Fratrum Predicatorum juxta Ludgate. Ibidem.

c Propter Debilitatem Corporis sui, Guerrarum Fremitibus et diversarum Infirmitatum Vexationem, nec non senii Gravitatem munipliciter depressi, Rot. Parl. 28 Henry VI. No. 6,

the same Month, the Archbishop of Canterbury, Chan-King Henry VI. cellor of England, in the King's Presence, and on his Behalf, gave Thanks to the Three Estates for their daily Attendance, and prorogued the Parliament from that Day unto the 22d of January next, at Westminster.

This last Prorogation is accounted for, by reason of the Christmas Holidays; we are further told, that on the faid 22d Day of January, when the Parliament met, the Archbishop of Canterbury was discharged from the Office of Chancellor, and John Kempe, Cardinal and Archbishop of York, was put in his Place; that they sat at Westminster to the thirtieth Day of March; and then the Chancellor, by the King's Command, prorogued and adjourned, which was then the same Thing, the From thence to

Parliament from the faid Day to the 29th of April next Leicester.

ensuing, at Leicester.

In all this Time there is not one Word more of Bufiness done than is before mentioned. But, at this last Session, an extraordinary Subsidy was granted; which was, 'That every Person having, by free Deed, A large Subfidy Copy, Grant of Annuity, or Office, the clear yearly on Land, Value of 20 s. in Frank Tenement, should pay Sixpence, and fo from 20 s. to 20 l. From 20 l. to 200 l. yearly, 12 d. in the Pound: From 200 l. and upwards 2 s. for every Pound, as well of the Clergy as the Laity. All Exemptions, Privileges, Immunities, Liberties, Franchises, Grants, &c. notwithstanding. Guardians of Wards, Men having Fees, and all Corporations, to pay accordingly. Several Sums also, out of the King's Revenues and Fee-Farms, to a great Value, were allowed to bear and pay the Charges of the King's Houshold.

But, before the last Prorogation to Leicester, came on the Trial of the Duke of Suffolk, on several Articles of High Treason; which, because he saw that he could not avoid, he moved for himself n. For, according to

n Hall writes, that the Duke of Suffolk was called in every Man's Mouth a Traitor and a Murderer, a Robber of the King's Treasure, and worthy to be put to the most cruel Death; for which Reason the Queen, somewhat fearing his Destruction, but more her own Confusion, caused the Parliament before begun at the Black Fryers in London, to be adjourned to Leicester; thinking there, by forcing the Laws, to subdue and repress all the Malice and Ill-will conceived against the Duke and her. But few of the Nobility would appear there, fo that the Parliament was again adjourned to London. Hall's Chron. Fol. clviii, Holling shead, p. 631. J. Stowe. p. 387.

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Ring Heary VI, the Record, on the 22d Day of January the Duke flood up in the House of Lords, and required the King and That he might be specially accused, and be allowed to answer to what many Men reported of him, that he was an unfaithful Subject.' He surther told the King, That his Father and three of his Brethren died in his Service, and that of his Father's and Grandsather's.
That he himself had served in the Wars thirty-four Years; and, being but a Knight, and taken Prisoner, had paid for his Ransom 20,000 l. That he had been of the Order of the Garter thirty Years, and a Counsellow to the King sisteen Years, and had been seventeen Years in the Wars, without returning home.
And asking God's Mercy as he had been true to the

King and Realm, he required his Purgation.'

January 26. The Commons came before the Lords, and required that the Duke, on his Confession that there was a heavy Rumour of Slander and Insamy upon him, might be committed to safe Custody; but the Lords and Judges, upon Consultation, 'thought there was no good Cause for it, unless some especial Matter was objected against him.'

January 28. The Speaker came again, and declared, That the Duke of Suffolk, as it was faid, had fold this Realm to the French, who had prepared to come hither; and that the faid Duke, for his own Defence, had furnished the Castle of Walsing ford with all warlike Munition o; whereupon at the Speaker's Request, the said Duke was committed to the Tower of London.

The Duke of Suffolk committed to the Tower.

February 7. The Speaker of the House of Commons, the Chancellor, and the Lords, sent to the King a Bill of Articles, by which they accused William de la Pole, Duke of Suffolk, late of Ewelm, in the County of Oxford, of fundry Treasons P, viz.

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Articles against

him.

1. That the faid Duke, having the Wardship of Margaret the Daughter and Heir of John late Duke of Somerset.

o Gunnes, Gunepowder and other Habiliements of Werr. Rot. Parl, 28 Henry VI. No. 17; which shews that this Combustible was known in those Days.

p Fabian writes, tl = James Fiennes Lord Say, the Bishop of Salisbury, and Daniel Trevilian, Gentlemen, with others, were at the same Time accused by the Commons. Fabian's Chron. An. 1450. J. Stowe, p. 387.

merset, he meant to marry his Son John to her; and King Henry VI thereby, for want of Issue of the King, to claim the Crown, and to procure the French King, by Means of certain French Lords there named, to depose the King.

2. That he procured the Delivery of the Duke of Orleans, and practifed with him to cause the French to

recover the English Conquests in that Kingdom.

3. Related to the Duke's Promise of Delivery of Anjou and Main, to requite the King of Sicily, the King's Enemy, without the Assent of the other Ambassadors.

4. For disclosing the King's Counsel to the Earl of Donas Bastard of Orleans, and to others of the Prench Nation.

5. For betraying to the French the Strength of the King's Piles, Ordnance, and Munition, beyond Sea.

6. That the faid Duke, by disclosing the King's Sex

crets, caused the Peace to be broken.

- 7. That the faid Duke supported the King's Enemies, by staying fundry Arms which should have passed against them.
- 8. That the said Duke had strengthened the King's Enemies against him, by not compromizing in the last Peace the King of Arragon, your antient Ally, who is almost lost; and the Duke of Brittany, who is wholly so q.

All which Articles the Commons require to be inrolled, and that Profecution may be awarded thereon.

March 9. This Day the Commons made a new Complaint against the Duke, in Effect following:

First, For procuring the King, in his 18th Year, to give away the Inheritance and Lands of the Crown.

For procuring many Liberties in Derogation of the Common Law, and Hinderance of Justice.

For causing the King to give away the Castle of Mawlion de Sool, and other Territories in Guienne.

For that the Earl of Armanac, and other Nobles of Guienne, were drawn from their Obedience to the King, by the said Duke's discovering of Secrets, to the utter Impoverishment of this Realm.

For

9 Rapin remarks, that Historians say the Duke cleared himself from all but this last Article, and has taken some Pains to explain it. See Rapin's History of England, Fol. Edit. p. 574.

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King Henry VI. For procuring the King to bestow the Keeping of divers Towns and Offices in Normandy and Guienne on

unworthy Persons.

For procuring the King to grant the Earldoms of Evereux and Longuevile, and other Lordships in Normandy, to the Bastard of Orleans and other Frenchmen, the King's chiefest Enemies, without the Assent of the Council.

For that the Duke procured the King, in his own Presence, to promise the *French* Ambassador to attend in Person at the Convention in *France*, to the King's Subversion, if it had taken Effect.

For causing the Subsidies granted to be contrarily

employed.

For causing the King's Treasure to be spent on the

French Queen and other French People.

For consuming the Sum of 60,000 l. left by the Lord . Sudeley, the late Treasurer.

For conveying out of the King's Treasury the Obli-

gations of the Finance for the Duke of Orleans.

For procuring himself to be made Earl of *Pembroke*, and obtaining the Lordships of *Haverford-West*, after the Death of Sir *Rowland Lentbal*.

For staying the Process of Outlawry against William Talbois, of Lincoln, Esq. upon several Appeals of Mur-

der.

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For procuring a Pardon to the faid William, for not appearing upon Suretyship of Peace.

For procuring Persons of his Confederacy to be made

Sheriffs.

For procuring a Garrison of Englishmen to fight against the Germans, the King's Allies, on the Part of the French, the King's Enemies.

All which Articles the Commons required to be inrolled, and that the faid Duke might answer to them.

On the 9th of March the Duke of Suffolk was brought from the Tower, by the King's Writ, into the Parliament-Chamber at Westminster, before the King and Lords; to whom the Articles aforesaid were rehearsed, who desired a Copy of them; which was granted: And, for the more ready Answer to them, he was committed to the Custody of certain Esquires, in the Tower within the King's Palace.

March

March 13. The said Duke appeared again before the King Henry VI. Lords, and on his Knees denied the Truth of the first eight Articles of Treason against him, and offered to prove them salse in any Manner the King should appoint. The first of them he denied as impossible; inferring, that some of the Lords knew he meant to have married his Son to the Earl of Warwick's Daughter, if she had lived. To many of the rest, he referred himself to the King's Letters Patent, and to some Acts of the Council. To the yielding up of Anjou and Main, he referred also to the Acts of the Council; which shew, that other Lords were privy thereto as well as himself; and said, That the same was delivered up by the Bishop of Chichesler, then Keeper of the Privy Seal.

March 17. The King fent for all the Lords, Spiritual and Temporal, then in Town, into his inmost Chamber in his Palace at Westminster, when the said Duke was brought again before them, to whom the Chancellor repeated the Answer he had made, and told him, that therein he had not put himself upon his Peerage, and asked the Duke which Way he would be tried? Who, kneeling, said, 'That he hoped he had answered all Things to the full; and so, protesting his Innocency, referred himself entirely to the King's Mercy and Award.'

Thereupon the Chancellor, by the King's Command, pronounced this Sentence, the Duke still kneeling: That He is sentenced

fince the Duke did not put himself upon his Peerage, to be banished the King, in relation to the Articles of Treason con-five Years.

tained in the first Bill, would be doubtful; that is, he

6 holdeth him neither declared nor charged. And as to 6 the Articles of Misprisson, the King, not as Judge by

the Advice of the Lords, but as one to whose Order

the Duke had committed himself, doth banish him the

Realm, and other his Dominions, for five Years, from

the first Day of May next ensuing a.

After which, Sentence being given, the Lord Viscount Beaumont, Lord High-Constable, stood up, on the Behalf of the Bishops and Lords, and required, 'That Vot. II

a The History of Croyland, after giving the Duke of Suffolk a most terrible Character, says, That he was condemned by Parliament to perpetual Banishment. Statute deinde Parliamento, coventes Regis Offensionem, ipsum in Exilium condemnabant perpetuum? Insidias tamen ei ponentes ad Tempus, & Diem Transfretationis in Partes peregrinas peremptorium assignantes. Hist. Croyland. Continuatio, p. 525, Ed. Gale.

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King Heavy VI. it might be inrolled, that the faid Judgment was by the King's own Rule, and not by their Assent; and

also required that neither they nor their Heirs should,

by this Example, be barred of their Peerage and Pri-" vileges."

Mr. Collier here remarks, That, by the Inrollment of this Protestation, it appears the Bishops had an equal Right of being tried by their Peers with the Lords Temporal: Why elfe, adds he, should it be moved, in Behalf of the Bishops, that this Case of the Duke of Suffolk might not be drawn into a Precedent, to the Difad-

vantage of their Peerage !!

But the Speech which the Duke of Suffolk made, before the Chancellor pronounced Sentence against him, is too remarkable to be omitted. After the Chancellor had asked him, That since he refused the Judgment of his Peers, what he had further to fay? The Duke answered, 'That the Crimes alledged against him were too horrible to speak to any more of them: That all the Articles comprehended in the faid Bill, touching the King's Person and the Estate of his Realm, he trusted to God he had answered them sufficiently; for he had denied the Days, the Years, the Places, and the Conversations had, which were never thought nor wrought; faying, they were utterly false and untrue, and in a Manner impossible; for, he added, such great Things could not be done, nor brought about, by himfelf alone, unless that other Persons had done their Parts, and been privy thereto as well as he: That he gave his Soul up to perpetual Damnation, if ever he • knew any more of these Matters than the Child in the Mother's Womb; and so, not departing from his said Answers and Declarations, he submitted himself wholly to the King's Rule and Governance, to do with him as he lifted.

We have chose to give the foregoing Account of this Parliamentary Inquiry into the Misconduct of a Prime Minister, from the Records themselves; our larger English Historians are much more prolix in the Circumstances of this Trial, but not altogether so consistent What we have to add about the Fate of with Truth. this unfortunate Statesman, is, that undoubtedly the Mildness

b Collier's Ecclefiaftical Hiftory, Vol. I. p. 672.

Mildness of his Sentence proceeded from the Queen's King Henry VIc great Indulgence to him, who was in Hopes that his short Banishment might last longer than the Malice of his Enemies against him; but, unhappily for both, the Duke was taken Prisoner at Sea by a private English Captain, who had way-laid him, had his Head struck off on the Side But in his Pasof a Cock-boat, and fell openly a terrible Example of fage is murdered Divine Vengeance, for the private Murder of the good by a Captain. Duke of Gloucester. Yet this Minister, bad as he was, hath found some Advocates in History; and one old Writer particularly remarks, 'That the most vile Thing in this Parliamentary Accusation against him was, that [26a]

they should charge that as a Crime upon Suffolk now,

which they themselves had, in a former Parliament.

4 consented unto and ratified c.

There was little other Business done at this Session; and no Acts of any Consequence were passed, except one only, called An Act of Resumption; whereby Power was given to the King to take into his Hands all Hereditaments, Offices, Liberties, and Grants whatfoever, from the first Day of his Reign to the Making of this Act, except certain peculiar Grants there men-This Act is very long, and makes up, with < tioned.' Suffolk's Trial, all the rest of the Proceedings of this Parliament; but the Preamble to it is so extraordinary as we think merits a Place in these Inquiries, which we shall give in its own Words:

' Prayen the Comunes, in this your present Parlement affembled, to confidre, that where your Chanceller of

'your Reame of England, your Tresorer of England, ..

and many other Lordes of your Counfeill, by your

4 high Comaundement to your feid Comunes, at your Parlement holden last att Westminster, shewed and de-

clared the State of this your Reame; which was, that

• ye were endetted in 372,000 l. which is grete and gre-

vouse; and that your Livelode, in yerely Value, was

And forasmuch as this 5000 l. to your • but 5000 l.

6 high and notable Estate to be kept, and to pay your

· feid Detts, woll not suffice, therefore that your high

Estate might be releved. And furthermore it was

declared, That your Expenses necessarie to your

Household, withouten all other ordinarie Charges, come

c Speed's Chronicle, p. 662.

King Henry VI. 6 come to 20,000 l. yerely; the which excedeth every Yere, in Expenses necessarie over your Livelode, 10,000 l. Also please it your Highnesse to considre, that the Comunes of your feid Reame bene as well willed, to their povre Power, to the relevyng of your Highnesse, as ever were povre People to eny King of vour Progenitours, that ever reigned in your feid Reame of England; but your feid Comunes bene so impoverished, what by taking of Vituill to your Household, and other Things in your feid Reame, and noght paied fore, and the Fifteenth by your feid Comunes afore this Time so often graunted, and by the Graunte of Tonnage and Poundage, and by the Graunte of the Subfidie uppon the Wolles, and other Grauntes to your Highnesse, and for Lak of Execution of Justice, that your overe Comunes bene full nygh distroied; and if it shuld continue lenger in such grete Charge, it cowde not in

'any wife be hadde or borne: Wherefore, &c.' d A learned Judge, in a Treatise of his concerning Impositions on the Subject e, takes Notice, that, at this Time, the Crown was never more necessitous, and yet no Impositions were laid without Consent of Parliament: For it appears by an Act of this very Year, that the Chancellor and Treasurer demanded Relief of the People for the King, both for the Payment of his Debts, and for his annual Maintenance. They urged that the King was then indebted 372,000 l. which now would amount to above 1,100,000 l. and that his ordinary Expences were more than his Income by 19,000 l. yearly; so that if ever there was a Cause to put a King to his Shifts, adds our Authority, it was then; and yet the Ministry did not venture to put in Practice this supposed Prerogative: instead of which the Senate intreated the King to make the Act of Resumption aforesaid of all Grants, excepting such as were given on a valuable Consideration.

By the Duke of Suffolk's Death the Door was open'd still wider for the Duke of York's Claim to the Crown; and he, with his Friends, made all the Use they could of this favourable Conjuncture. An Historian tells us, that his Friends gave it out in all Companies, 'That

d Rot. Parl. 28 Henry VI. No. 53. Stat. ibid. de Resumptionibus.
• The Rights of the People of England, concerning Impositions. By Sir Henry Yelvetton, Bart. 12mo, London, 1679.
f Sam, Daniel by Kennet, p. 402.

the Nation, being governed by a flothful King and an King Henry VI.
ambitious Queen, who neither of them understood the The Duke of true Measures of Government, did daily decay in its York's Schemes
Reputation and Interest, of which the Loss of France for obtaining the

was an invincible Demonstration: That the Public Crowns.
Good ought to be more nearly looked into, and Men
of such Abilities raised to the Helm, as might both advance the Honour of the English, and be a Terror to
their Enemies: That the Duke of York was a Person
every Way qualified for the greatest Trust, having given a very great Proof of it in composing the Rebellion in Ireland with so great Satisfaction to the People,
as well as Sasety to the King: That, in Reality, that
Duke had the best Title to the Crown, the Family of
Lancaster being no better than Usurpers; and tho' indeed King Henry might be tolerable, if he was either
like his Father or his Grand-sather, whose Virtue and
Courage made their bad Titles overlook'd, yet since his
easy and gentle Nature rendered him incapable of go-

easy and gentle Nature rendered him incapable of governing well, it was better for the People to set up a Person, who, if he had no Right, was the fittest Man

in the Nation to wield a Sceptre; but much more, being the true Heir, than suffer others to usurp the Power of

 the true Heir, than juffer others to ujurp the Po bedoing them and the King himself a Mischief?

- These and such-like Discourses being well relished by the Generality of the Nation, it was not long before the Resolution of a Change was put to a greater Trial. The Story of the Rebellion under Jack Cade, who stiled himself Lord Mortimer, is too well known to need any Repetition here; our Historians suppose that this Fellow was spirited up, under Hand, by the Duke of York, to try the Bent of the Nation in regard to his Title; that Lord, or Sir John Mortimer, having been Brother to the Earl of March, who was beheaded in the last Reign, and who was then the undoubted Heir of the Line of York. Our Purpose is only to shew how much the Parliament of England were concerned in this Quarrel; and one being called the next Year, in the Midst of Cade's Rebellion, we shall proceed in our Inquiries of what was transacted at it.

It has been our Custom hitherto to give a List or two of the Peers, summoned to Parliament, in a long or a short Reign, in order to inform the Reader under what

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King Henry VI. Names and Titles they were then called, as well as the particular Number of them. We think proper to give the following List of Peers, summoned to attend the next Parliament, since, in a small Time after, they were interrupted by the Civil Wars, and most of their Meetings then were to their own Destructions.

In the 29th Year of Henry VI.

Anno Regni 29. The King, &c. To Richard Duke of York, &c. to meet

1451.

at Westminster on the Feast of St. Leonard, &c.

At Westminster, Witness the King at Westminster, September the fifth.

State of the Peerage at that Time,

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Henry Duke of Exeter, John Duke of Norfalk, Humphrey Duke of Buckingbam, Edmund Duke of Somerfet, Richard Earl of Warwick. Henry Earl of Northumberland, Thomas Earl of Devenshire, William Earl of Arundele, Ralph Earl of Westmoreland. Richard Earl of Salisbury, John Earl of Oxford, John Earl of Worcester, fames Earl of Wiltshire, John Viscount Beaumont. Fames Lord Berkeley, Edward Lord Gray, of Groby, Edmund Lord Gray, of. Ruthin, Robert Lord Hungerford, fenior, Ralph Lord Grayflock, Henry Percy, Lord Poinings, William Lord Bottreaux, Thomas Lord Dacres, of Gilfland, John Lord Beauchamp,

Tames Lord Audley, Ralph Lord Cromwell. William Lord Zouch, of Harringworth, Fehn Lord Screep, of Masham, William Lord Fitzbush. Henry Lord Scroop, of Bolton. Leonard Lord Welles, John Lord Clinten, William Lord Lovel, Edward Nevile, Lord Bergavenny, Robert Lord Willoughby. Thomas Lord Clifford, Henry Viscount Bourchier, Edward Lord Brooke, of Cobham, John Lord Talbet, of Life, Thomas Lord Scales, Reginald Lord Gray, de Wilton, John Lord Stourton, Richard Woodvile, Lord Rivers. William Bourchier, Lord Fitzwarren, William Lord Bonevile. Henry Bromfleet, Vescy, Thomas Thomas Lord Roos, Robert Lord Hungerford, of Molins. Ralph Lord Boteler, of Sudley, Thomas Lord Gray, of Rugemont,

William Beauchamp, Lord King Henry VI. St. Amand. Thomas Percy, Lord Egremont, John Sutton, Lord Dudley, William Fynes, Lord Say and Sele 8.

These Great Men, with the Prelates, Clergy, and Commons, being affembled Nov. 6, 1451 h, before the King, fitting in his Chair of State, in the Painted-Chamber at Westminster, John Kempe, Cardinal, Archbishop of York and Chancellor of England, by the King's Command, in a very short Speech, declared, 'That this e Parliament was called to provide for the Defence of the Realm, the Safe-keeping of the Seas, and to make Provision for an Army against the French; but particularly for suppressing of Insurrections at home. which End he defired the Commons to chuse and prefent their Speaker as usual.

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On the 9th of November the Commons presented Sir Sir WILLIAM William Oldhall, Knight, to be their Speaker; who, OLDHALL chomaking no Excuse, was allowed, with the usual Prote-fen Speaker. Station.

The first Thing we find that this Parliment went upon, was to devise several Orders and Regulations about altering the Manner of collecting and paying the Subfidy granted by the last Parliament; by which feveral new Orders were made, particularly, That no Members of Parliament were to be either Commissioners or Collectors; that they should examine upon Oath, and that they should be allowed 4s. per Diem for their Trouble; very confiderable Wages in those Days.

We meet with nothing more on the Record done in the first Session of this Parliament, tho' they sat above a Month, except an Appeal to the King and Parliament from Isabel, Relict of William Tresham, Esq; who was barbarously murdered, on the King's Highway, by one Simon Norwich, Esq; and several others there named, whom the faid Simon had instigated thereto.

h In Festo S. Leonardi, in Origine.

Besides these Dukes, Earls, and Barons, Writs were directed to about fourteen Knights, &c. to attend the Service of the House of Peers this Parliament. Dugdale's Summons to Varliament, p. 445.

The Parliamentary HISTORY

King Henry VI.

This William Tresham was, most probably, the same Gentleman who was Speaker of the House of Commons the 25th of this Reign; and the Record tells us the Murder was committed as he was riding to meet the Duke of York, who had fent to speak with him. Whether this Affair was any Beginning of the ensuing Civil Wars, we shall not determine; but it looks somewhat

On the 18th of December the Chancellor, in the Prefence of the King and the Three Estates, prorogued this Parliament to the same Place, on the 20th of January following: And again, on the 20th of April, it was also

prorogued to the 5th of May next ensuing i.

The first Thing that we find now in this third Sesfion, is a Grant to the King of 20,000 l. out of the Customs of London and Southampton, by hundred Pound Payments, to relieve his immediate Wants and Poverty. Besides, in Consideration of 8000 l. delivered to the King in Allom, by some Genoese Merchants there named, it was enacted, 'That they shall be allowed to ship any granted, in order Staple Ware out of the South of England, untill they

A Monopoly

to raise Money. ' be answered the said Sum.' Also it was enacted, 'That certain Merchants of the South shall have all the Allom aforesaid, on advancing to the King in Hand 6 8000 L and that no Man be allowed to bring, buy, or fell any other Allom, for the Space of two Years, on Pain of forfeiting the same.' This was a strange Monopoly, and shewed the pressing Occasions of the King and State for Money at that Time. A very extraordinary Petition of the Commons was

· The Commons

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defire the Remo- presented to the King, importing no less than the Reval or most of the moval of most or all of his Court from him: For it was defired that Edmund Duke of Somerset, Alice Poole, late Wife of William Poole, late Duke of Suffolk, William Boothe, Bishop of Chesterk, Sir John Sutton, Knight, Baron of Dudley, William Daniel, late of London, Esq; John Trevilian and Edward Grimstone, of London, Eigrs. Thomas Kempe, Clerk of your Council, Reginald, Abbot of St. Peter's in Gloucester, Thomas Pulford, of London,

i On Account of Christmas and Easter.

^{*} The Bishoprick of Chester, as it now stands, was only erected by Henry VIII. but the Bishops of Litchfield and Coventry were antiently stiled Bishops of Chester. This Man was one William Boothe, translated the next Year to the See of York. Le Neve's Fasti Ecc. Ang.

Esq; John Hampton, William Myners, John Blakeney, King Henry VI. John Penerike, John Gergoran, Stephen Slegg, Thomas Stacey, Thomas Hoo, Esqrs. the Lord Hastings, Sir Edmund Hungerford, Sir Thomas Stanley, Knights; Jenkin de Stanley, Esq; Usher of your Chamber; Bartholomew Hawley, Ralph Bapthorp, Esqrs. Sir Edmund Hamden, Sir Robert Wingsield, Knights; Mr. Gervase Devalore, one of your Secretaries; Mr. John Somerset, and Mr. John Newport, of the Isle of Wight, be banished from the King's Presence during their Lives, and not to come within twelve Miles of the Court, under severe Penalties.

The King's Answer to this Petition was, That, as to The King's mild himself, he was well contented that they should go, unless The King's mild they were Lords, and a few others whom he could not well spare from about his Person, and so to continue absent for one Year, to see if any Man could truly lay any Thing to their Charge, since they had alledged no particular Crime against them.

Whether this last Petition was made in order to quiet The Rebellion in the Clamours of the People of Kent, &c. who were Kent under Jack

then up in Arms under the Conduct of Jack Cade, we Cade. know not: But a very severe Act was passed this Session

against that Rebel; whereby, tho' he was then dead, he was attainted of Treason, all his Lands, Tenements, &c. given to the King, and his Blood corrupted.

There is very little else on Record to have been done in this Parliament, except at the End of it, where we meet with a Bill of Attainder exhibited by the Commons against the late Duke of Suffolk; wherein, amongst his other Treasons, &c. they charge him, in these Words, to be 'The Cause and Labourer of the Arrest, Imprisonein, and final Destruction of the most noble, valiant, true Prynce, your right obeissant Uncle the Duke of Gloucester, whom God pardon, &c.' but the King only gave the common civil Denial to this Bill, Le Rei s'ad-

Though our Records are somewhat silent as to the Complaints of the Commons under Cade, History is not so, but hath given us the Contents of two Bills, which, it is said, these Rebels exhibited to the Houses,

visera.

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1 Rot. Parl. 29 Hen. VI. No. 19. Statutes at large, 29 Hen. VI. cap. 1.

A long Act of Relumption was pailed this Parliament, to the fame Purport
in the last.

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King Heavy VI. then fitting at Westminster, that they might have their Concurrence with them in the Reformation they were

bringing about in the Government.

The high Demands of the Rebels.

The first they called The Complaints of the Commons of Kent, and the Causes of their assembling at Blackheath h. In it they represented to the Parliament, That it was reported that Kent should be depopulated and made a Forest, to revenge the Duke of Suffolk's Death, tho' the People of that Country were no way guilty of it: That the King had given the Revenues · of the Crown to his Favourites, and refolved to live on Taxes raised on his Subjects, which would impoverish his People: That Lords of the Royal Blood were excluded from his Government, and mean Perfons preferr'd, who would not administer Justice without Bribes and Gifts: That the Provisions of the King's House were taken of the Subjects, and not paid for, to the undoing of many: That the King's menial Servants falfly accused many of High-Treason, in order to get their Estates: That the King's Servants, by uniust Claims of Feoffments, have deprived divers of the Commons of their Estates and Rights: That certain Traitors, who have lost the King's Territories in France, · should be punished without Mercy: That the Sheriffs and Under-Sheriffs of Counties, farming their Offices and Bailiwics, are forced to extort unjust Fines from the People to pay the Sums: That the Officers of the Court of Dover, in Kent, vex and arrest Men, in * all Parts of the Country, upon untrue Actions, and require great Fees of them for their Deliverance: . That the Freedom of Election for Knights of the Shires hath been taken from the People by the great Men, who fend Letters to their Tenants and Dependents to chuse such Men as the People approve not of: That Collectors of the King's Taxes being made, for Bribes, by the Knights of the Shire, use many Extortions to raise them: And, lastly, that the Sessions being held in the farthest Part of the County, Eastward, the People were forced to go five Days Journey to them, to their great Trouble and Damage; which they defire might be fettled in two Places more conve-' niently.'

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A Sam. Daniel by Kennet, p. 403.

The

The other Paper they fliled, The Requests of the King Henry VI. great Affembly in Kent; and, in this, they humbly petioned, 'That the King would assume to himself the Demessines of the Crown, that he might live conformable to his Royal Dignity: That the Duke of Suffolk's Kindred should be punished, according to the Laws of the Realm; and the Lords of the Blood-Royal, viz. the Dukes of York, Exeter, Buckingham, and Norfolk, be taken into Favour, and entrusted with the Government; and that then he would be the happiest and richest Prince in Christendom: That all Persons guilty of the Duke of Gloucester's Death be punished s as false Traitors to the King and Realm; and the rather, because, by their Means, the Duke of Exeter, the Cardinal of Winchester, and the noble Prince the Duke of Warwick, with many other Lords and Gentlemen, and all the King's Countries in France, have been lost: Lastly, That all Extortions used daily among the common People, viz. Green-Wax, King's Bench, and King's Purveyors and Statutes of Labourers be fo regulated by the King and his Council. that they may not be fuch an intolerable Burden to • the Commons of England.

These Complaints of Grievances, &c. having been seen and perused, as well by the Lords and Commons in Parliament assembled, as by the King's Council, were not only, says our Historian, condemned and disapproved, but the Authors of them voted proud and presumptuous Rebels, not to be gratified with fair Promises, but suppressed by Force of Arms. But another Historian says, more justly, as seems probable by the Abstract from the Records, That it does not appear the Complaints of these People were rejected by Parliament, only that the Council condemned them, as they would have done had they been more reasonable, considering the Method of preserring them.

However, it was not long after that Jack Cade and They are suphis Followers were put to Flight by the King's Army, pressed, and their Leader slain, having had a Price set on his [267]

Head by Proclamation.

This small Commotion, in Comparison to what followed, being settled, and the War with France entirely ended,

4 Holling fbead's Chron. p. 634.

Farther At-

tempts of the

Duke of Yark.

King Henry VI. ended, (for all Aquitain, which had been in the Hands of the English near 300 Years, being yielded up) there was then nothing left to contend for. The Duke of York, who was then in Ireland, hearing of the bad Success of his first Attempt, came over to consult with his Friends in England what Game they were next to play. The chief Supporters of his Party were John Mowbray, Duke of Norfolk; Richard Nevil, Earl of Salisbury, with the Lord Richard Nevil his Son, who was afterwards the famous Earl of Warwick, by the Marriage of the

> Lady Anne Beauchamp; Thomas Courtney, Earl of Devon; and Edward Brooke, Lord Cobham; all of them Persons

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of great Authority, numerous Attendants, and daring Valour. These Noblemen, with many others of less Note, had divers Meetings about fetting the great Machine in Motion; and the old Topic of redreffing Grievances in the Government was thought to be the most plausible Way to begin the Quarrel. Accordingly a Letter of Remonstrance was wrote by the Duke of York to the King, shewing the Male-Administration of the Ministry, pointing out some Ways to redress them, by imprisoning and bringing to Trial the chief Offenders, particularly the Duke of Somerfet. The King returned a mild Answer to this Letter; but that not satisfying the Duke, he hastened into Wales, raised an Army, and encamped with them on Burnt-Heath, near Dartford, within ten or twelve Miles of London. The Ministry

He railes an Army.

Henry had no Mind to come to a Battle, being always sparing of his Subjects' Blood, and therefore sent Messengers to the Duke to know his Reasons for coming thus armed against him. The Duke's Answer was to the same Purport as his Letter; the Bishops and Lords, who were fent by the King, had a Commission to grant between him and any reasonable Terms of Accommodation; they therefore affured him, that the Duke of Somerfet should immediately be chapp'd up in Prison; on which he instantly

> dismissed his Army. Nay, he is said to have taken an Oath, some Time after, in St. Paul's Church, before the King and all his Nobles, never to take Arms again,

> had also taken some Care of themselves by raising Forces, which, under the King's Command, were encamped on Black-Heath, some few Miles distant from the other.

Accommodation the King.

> or diffurb King Henry in the Possession of the Crown. Ιn

In this Interval, when the Sore was thinly skinn'd King Henry VI. over, which was likely to break out more violently afterwards, a Parliament was called to meet at Reading, by Writs dated at Westminster the 20th Day of January, for an Appearance at the Place aforesaid on the 6th Day of March following; Richard Duke of York, and Edmund At Reading. Duke of Somerfet, being the first Persons named on the Lift.

At the Day appointed they all met in the great Chamber, or Refectory, within the Abbey of Reading; when William Bishop of Lincoln, in the Absence of John Archbishop of Canterbury, Chancellor of England, very notably, according to our Authority, declared the Cause of the Parliament; chiefly, for the good Government of the Realm, and safe Defence of the same; to which End he bid the Commons chuse their Speaker, and prefent him as usual: And the next Day, after the Receivers and Triers of Petitions, according to antient Cuf-Thomas tom, were appointed, the Commons presented to the elected Speakers King Thomas Thorpe, Esq; to be their Speaker; who,

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with the common Protestation, was allowed.

The first Thing they went upon in this Session, was the Supply; when the Commons granted to the King one whole Fifteenth and one Tenth; tho' with a larger A Subfidy. Deduction from it than from any Grant before, of 6000 l. for the Relief of poor Towns, &c. Also 3s. a Ton on all Wines imported, and 12d. in the Pound's Worth of all other Merchandize; except Tin, on which was laid 2 s. for every 20 s. Value of that Commodity; to continue during the King's Life. A Subfidy on Wooll, &c. was also granted; for every Sack 43s. 4d. the same Sum on every 240 Wooll-fells, and for every last of Hides 51. for Denizens: On Strangers, 51. for the first, the same for Wooll-fells, and 51. 62. 8d. for 100 of Hides; to continue also during Life. Alien Merchants not born within the King's Dominions, and refiding here, were taxed at 40s. a Head per Ann. and if they staid but six Weeks, 20s.—Provided, that no Knights of Shires,

1 William Alnewick died Bishop of Lincoln, Anno 1449; to whom succeeded Marmaduke Lumley, who died in 1451, and was succeeded by John Chedworth, the same Year. Le Neve's Fasii Ecc. Ang. There must be some Mistake therefore, either in that Author or in the Record. In Dagdale's Summens to Parliament the Writ is directed J. Episcopo Lincoln, for this Meeting.

King Heavy VI. or other Members of Parliament, shall be Commissioners or Collectors of these Subsidies, except they were then,

or hereafter, Sheriffs.

After this the Speaker came again before the King, and declared that the Commons had voted 20,000 Archers. for the King's Service, for the Term of half a Year. And, March 28, when these Money-Bills were passed, and Thanks for them given to the Lords by the King himself, John, Cardinal, Archbishop, and Chancellor, by the King's Command, prorogued the Parliament from the Day and Town aforesaid, to the 25th of April then

The Parliament prorogued 'to Wefminfter.

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ensuing, at Westminster. Being met again, the King discharged the Commons

of 7000 Archers, Part of the 20,000 granted him last Seffions; and a due Proportion was fettled for every particular County in the Realm, what they should bear towards the Support of 13,000 Men for his Majesty's Ser-But, in Consideration of a considerable Sum of Money, to be levied by the Commons, the King was content to respite the raising the said 13,000 Archers; unless, upon great Necessity, or being obliged to go in Person to the Wars, he be forced to take them.

It was ordained that Edmund Duke of Somerset, late Captain of Calais, shall be paid 21,6481. 10 s. out of the Custom of the Staple Wares going out of the Port of Sandwich, for Fees and Wages due to him and other chief Captains and Soldiers, whilst he was Governor there. Also a particular Rate was made out of the Grant of a Fifteenth, to certain Persons in every County in England, allotted to the repairing of Calais, and for making a Rife-bank there. Likewise an Allotment of 20s. out of the Subfidy for every Sack of Wooll, was allowed towards the Wages and Victualling of Soldiers in the Garrison at Calais.

Additional Supply.

The Commons farther grant unto the King the Moiety of one Tenth and one Fifteenth, for which the King thought proper to return them Thanks; and after these Words, viz. . We thank you for your Grants, for the which be you affured we will be a good and gracious The Parliament Lord unto you; the Lord-Chancellor, on the 2d Day of July, prorogued the Parliament again to Reading, to

prorogued to. Reading,

> · Rex, Ore suo proprio, prefatis Communibus, dixit, nos vobis intime regratiamur, et ne indubitetis quin vobis erimus generosus et benevolus Domi-nus. Rot. Parl. 31 Hen. VI. No. 20.

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the 7th Day of November following; and at Reading, King Henry VL on the fame Day, we find that the Parliament was adjourned from thence to the 11th of February next, at Westminster. But, on that Day, John Earl of Wor-cester, and Treasurer of England, by the King's Letters Patent, made another short Prorogation of three Days, to the 14th of the faid Month, at Westminster.

On which Day being again affembled to do Business, The Duke of Richard Duke of York, by the King's Letters Patent, The Duke of York President was appointed President in the said Parliament P.

of the Parlia-

On the same Day a very remarkable Case came be-ment. fore this Parliament. The Commons represented to the King and Lords, that Thomas Therpe, their Speaker, and William Rail, a Member of their House, were both imprisoned; they therefore requested that the said Members might be fet at Liberty, according to the Privileges of their House.

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The next Day the Duke of York Rood up in the House of Lords, and acquainted their Lordships, That he had received Damages in an Action of Tref-

pass against the said Thorpe, last Term, by a Verdict His Complaint in the King's Exchequer, for carrying away the Goods against Thorpe, the Speaker, for

of the faid Duke of York out of Durham-House; for a Trespass.

the which he remained in Execution, and prayed that

he might continue there.'

The Advice of all the Judges being taken in this Matter, they made Answer, 'That it was not their Part to ' judge of the Parliament's Actions, who were Judges and Makers of the Laws themselves; only they said that there were divers Supersedeas of Privilege of Par-· liament brought into Courts, but a general Supersedeas, to suppress all Proceedings, there was not. For, if there should, it would feem as if the High Court of · Parliament, that ministered all Justice and Equity, fhould hinder the Process of the Common Law, and 6 fo put the Party complainant without Remedy, inafmuch as Actions at Common Law are not determinable in Parliament: But if any Member of Parliament be arrested for fuch Cases as are not for Treason, Fe-6 lony, or Surety of the Peace, or for a Judgment had

The Duke of York is call'd, in the Patent, Charissimus Consanguineus noster.

The Inftrument for it is in the Public AEIs, and the Adjournment to Westminster mentioned. Dated at Westminster, Feb. 13. Anno Regni, 31. Rot. Parl. 32 Henry VI. No. 24.

King Heavy VI. 6 before Parliament, it was usual for such Person to bo e quitted of fuch Arrest, and set at Liberty to attend his Service in Parliament.'

After which Answer the Lords came to this Resolution, 'That the said Thomas Thorpe should remain in Execution, notwithstanding his Privilege as a Member, and being Speaker of the House of Commons; and fent a Committee of their own House to the Commons, to require them, on the King's Behalf, to chuse a new Speaker. Accordingly another Committee of the Commons were fent to the Lords to acquaint them that they had newly chosen, in the Place of Thomas Thorpe, Sir Thomas Charlton, Knight, for their Speaker; chuse Sir Tho- to which the Chancellor answered, that the King ap-MASCHARLTON proved of him, and willed them to proceed effectually.

The Commons in his stead.

About this Time King Henry fell dangerously sick at Clarendon, and happy had it been for him if he had then ended his Days; his Sickness continued a long Time, but, at last, he was perfectly recovered of it. The Joy at Court, on this Occasion, was augmented by the Birth of a young Prince, Queen Margaret having been delivered of him this Year, who was christened by the Name of Edward. The Transactions of this Parliament take Notice of both these Particulars, as will

appear by the Sequel.

A Committee of the House of Lords was appointed to go to the King, lying fick at Windsor, to learn his Pleasure touching two Articles; the first, To know who should be Archbishop of Canterbury, and who Chancellor of England, in the Place of John Kempe, by whose Death they lay in the King's Disposal. fecond, To know whether certain Lords, there named, to be of the Privy Council, were agreeable to him, or not. On the 25th of March the faid Committee reported to the whole House, 'That they had been to wait upon the King at Windsor, and after three several Interviews with him, and earnest Sollicitations, they could by no Means have Answer, or Token of Answer, from ' him.'

After this strange Insensibility of the King's was shewn to the Lords in Parliament on March 27, they constituted and appointed the Duke of York Protector and Defender of the Realm, so long as the same shall please the King;

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King; the faid Duke thereupon required the Answer King Henry VI.

of the Lords to the Articles following:

I. 'That it be enacted, That the faid Duke doth take upon him the faid Office by the particular Appointment of the Lords, and not of his own Seeking or Defire.'

Answer. The like Articles shall be made for this, as was made during the King's Minority.

II. That all the Lords will affift the Duke in his

Office.'

Answer. It is agreed, by all lawful Means.

III. 'To prescribe the Power thereby given to the faid Duke.'

Answer. He shall be Chief of the Council, Protector and Defender, which implies a personal Attendance against foreign Invasion and inward Rebellion; but no Authority of Governance; and all this so it be no Prejudice to the young Prince.

IV. 'To appoint how much Money the faid Duke

fhall take for the Exercise of the said Office.'

Answer. Precedents shall be searched, and the Duke conferred withall about it, after which an Act shall be made to settle it.

April 3. The King's Letters Patent were read in the House, appointing the said Duke to be his Chief Counfellor, Protector, and Defender of this Realm, during the King's Pleasure; or, unto such Time as Edward the Prince shall come to Age of Discretion 1: Which great Office the Duke, in full Parliament, took upon him to perform. Hence it appears, fays a late Historian, that it was believed the King's Indisposition would last as long as he lived, and that it affected his Underflanding more than his Body. In the next Place, adds he, by referving this Office for a Child of fix Months old, who was to exercise it when at Age, the Parliament shewed their Intention to preserve entire the Rights of the House of Lancaster, though the Duke of York was declared Protector. Other Letters Patent

n This Instrument is also in the Public Asts, and another immediately following it, for constituting Edward the young Prince, though then scarce seven Months old, Protector, Sc. when he shall arrive at Years of Discretion. They are both of the same Date, viz. April 3, but the first is said to be done by Authority of Parliament, which the other is not. Feed, Ang.

Tom. XI. p. 346, 347.

King Henry VI. were read, which were made to Edward the young Prince, as in Anno I Henry VI. with the yearly Fee of 2000 Marks only, besides Allowances for learning to ride, and fuch other Exercises; provided the same be no ways prejudicial to any Grant made to Margaret Queen of England. Again,

The King creates Wales, &c.

The King, by his Letters Patent, createth his Son his Son Prince of Edward Prince of Wales and Earl of Chefter, to him and to his Heirs, Kings of England, with the Revenues thereunto belonging; which were confirmed by the Hands of all the Lords, and by the Commons in Parliament.

A Dowry fettled on the Queen.

By the fame Authority the King granted to his Queen Margaret the Sum of 1000 l. yearly, for her Life, out of the Customs and Subsidy of Woolls in the Port of Southampton; besides sundry Manors and Hereditaments in the Counties of Northampton, Southampton, and Oxfordshire, which were also confirmed to her by Parliament.

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The further miscellaneous Proceedings of this Parliament were, that Richard Earl of Salisbury, John Earl of Shrewsbury, John Earl of Worcester, James Earl of Wiltshire, and the Lord Stourton, were appointed to keep the Sea; to whom was allotted the three Years Tonnage and Poundage granted by the last Parliament. And, April 15, it was agreed that, towards the Support of the Expence of the Lords aforesaid, there should be a Loan made from certain Cities and Towns, there named, of particular Sums, and they were to be anfwered for the fame out of certain Customs and Subfidies.

In this Parliament Thomas Courtney, Earl of Devon, was accused of Treason, and acquitted of the same by his Peers, Humphrey Duke of Buckingham being High-Steward for the Time being: But, because the Duke of York judged the Honesty of the said Lord to be touched, the faid Earl made a public Declaration of his Loyalty before the House, and referred further Trial of it, as a Knight should do; on which the Lords wholly acquitted him as a loyal Subject.

The King, by his Letters Patent, publickly read in this Parliament, acknowledged Edmund of Hadsham, and Jasper of Hatsield, the Sons of Queen Katherine his

Mother.

Mother, to be his lawful Half-Brothers and Denizens, King Henry VI. The King also created the said Edmund Earl of Rich-The King's mond, and that, in Parliament and elsewhere, he should Half-Brothers have Preheminence above all Earls. The King like-created Earls, wife granted to the said Edmund, and to the Heirs with Predecency. Male of his Body, lawfully begotten, the whole County, Honour, and Dominion of Richmond, with all the Hereditaments and Appurtenances, with Warranty by the accustomed Services. Likewise, by Assent of Parliament, the King granted to the faid Earl of Richmond. in Tail-general, the Manor of Worefdale, with the Appurtenances, in the Counties of Lancaster, Westmoreland, and York, late belonging to John Duke of Bedford, to hold only by Fealty, with certain Provisions therein.

The King also, by other Letters Patent, created Jasper of Hatfield Earl of Pembroke, with the Preheminence to take Place above all Earls next unto his elder Brother Edmund; and gave him likewise the whole County, Honour, and Dominion of Pembroke, as In both which Creations and Grants are certain Provisoes, or Exceptions; and both these Letters

Patent were confirmed by Parliament.

The Commons required the Lords to call to Mind the Hazard that the Town of Calais was then in, and the Safe-keeping of the Sea, and that the Subfidies granted might be really employed to that Purpose. also desired the Lords to excuse them from granting any other Subfidies, for that they neither could nor durst do it. Finally, they required that a grave and wife Council fhould be established to answer all Petitions, &c. which

was promised.

It was ordained, That the Mayor, Constable, and Fellowship of the Merchants of the Staple at Calais, shall be paid 10,000 Marks out of the Subfidy of Woolls there, which Sum they lent towards the Payment of the Soldiers' Wages in that Place. The faid Mayor and Merchants made several Demands besides, which are fpecified, to which they had Answers given them. Richard Duke of York being appointed Captain, or Governor, of Calais, and requiring Satisfaction in thirteen Articles, or Demands, concerning ready Payment, and other proper Supplies for keeping the fame, had reasonable Answers given to them. Sir

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King Heavy VI.

Sir William Oldball, Knight, who was Speaker in the last Parliament, was also attainted of Treason, for being concerned in Cade's Rebellion, and a Writ of Outlawry

against him was confirmed by Parliament.

Whereas Robert Poynings, of Southwark, Esq; being Carver, Sword-bearer, and chief Actor with Jack Cade, had his Pardon, upon which he, with certain Sureties by Recognizance, was bound in the Chancery for his good Behaviour; fince which Time he had committed many Riots, particularly in raising and going with Men armed in Kent, against the Law; therefore it was ordained, That an Extent, upon the said Recognizance, shall go against the said Poynings and his Sureties, and against him and their Lands and Goods.

We shall conclude the Business of this Parliament with taking Notice of a Petition exhibited by the Commons in it to this Purport. That whereas divers and

fundry Lords of Parliament, as well Spiritual as Temporal, and commanded by the King's Writs to attend,

have nevertheless absented themselves from coming to

the Service thereof, that they be severally fined to the

King's Use; for every Archbishop and Duke, 100 l. every Bishop or Earl, 100 Marks; every Abbot and

every Baron, 40 l. to be levied upon their Lands,

Goods, &c. with an Exception for the Bishops of St.

Asaph, Banger, and Landaff, who, on Account of

their Poverty, we suppose, were only to be fined each
201. Sickness and Inability, well proved, was also al-

lowed an Excuse, or Absence beyond the Seas, or

Attendance on the King's Person in his present bad

State.' Which Act had the Royal Assent.

The last we shall mention is a short Account of a Statute made on a private Affair. A Complaint was made by Henry Beaumont, Esq; Son and Heir to Sir Henry Beaumont, Knt. and Charles Nowel, Esq; against Edward Lancaster, of Skipton in Craven, Esq; for taking away Dame Joan Beaumont, late Wise to the said Henry, being lawfully married to the said Charles, and for that the said Edward married the said Dame against her Will, and thereby ravished her; against which Edward, and many others there named, Remedy is given by way of Appeal. These, and such like Practices, produced a Statute, which, in the Acts of this Year, goes under this Title,

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Title, A Remedy for a Woman inforced to be bound by King Henry VI. Statute or Obligation.

It has been faid, that the Wars with France being now ended, the Civil Diffentions, between the two Houses of York and Lancaster, began in contending for the Crown: tho' hitherto Matters had been carried on both Sides with Moderation, the House of York having yet not openly made their Claim to the Regality, neither in Parliament nor out; but only raised an Army, under Pretence of reforming Abuses in the Government. 'The Title this Family had to the Crown, fays an Historian a was very fair, according to the Law of the Land; Richard, the present Duke, being Great-Grandson of Lio-" nel Duke of Clarence, elder Brother to John of Gaunt, Duke of Lancaster, by whom the three last Henries defrived their Right to the Crown. But Henry VI. tho' his Title was not so fair and clear, yet not being the Usure per himself, but succeeding upon the Usurpation of his Father and Grandfather, two very great Princes, and he being of known Goodness and Piety, had long kept Possession of it: Therefore it required great Art, ⁶ Cunning, and Force, in the Duke of York, to wrest the Diadem from him.'

Most of our Historians relate, that the Duke of Somerfet was accused of Treason, in the last Parliament, having been arrested some Time before, and sent Prisoner to the Tower. How far this last Circumstance may be true, is uncertain; but the former is apparently salie, by the Proceedings of that Parliament given before. It is said further, 'That the Queen, who was as intent to save Somerset as his Enemies to destroy him, had fo contrived Matters, that nothing should be done against him; for the King being somewhat recovered from his Illness, and come well to his Senses, she caused him, tho' very weak, to be carried to the Houses, and there to dissolve the Parliament, so that nothing was the terminate of the same that the same that the parliament, so that nothing was determined to the same that the same

a Daniel by Kennet, p. 410.
b Fabian writes, That the Duke of Somerfet was arrested of High Treason, Dec. 1, 1451, when the Parliament was sitting, and his Goods torn out of his House in the Black-Friers, and embezzled. For, at this Time, adds he, the Lords' Servants and Attendants who came to Parliament were very numerous; the Temporal Lords keeping then more Hospitality, and had greater Retinues of Servants, far exceeding what the Lords in his Time did. Fabian's Chronicle, Anno 1451. J. Stews.

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King Henry VI. 6 determined in the Matter.' It is not possible to suppose that the Abridger of the Parliamentary Records would have overlooked this last Circumstance, nor the Records themselves, which we have carefully examined on this Occasion, been filent; and therefore, since it is taken no Notice of, we may well suppose it as erroneous as the former. Instead of that, Edmund Duke of Somerfet is the second Person, on the List of the Peers, fummoned to this Parliament; and he was ordered to be paid a very large Sum due to him for Fees, Wages, &c. whilst he was Governor of Calais, by Consent of both Houses c. It is certain, however, that the Duke of York, finding

he could not get Somerset removed from the King's, or rather the Queen's, Protection, which probably he was not forry for, raised another Army, and encamped with it near St. Alban's. The King and his Courtiers were as ready to oppose him, and a Battle was fought near that Town, May 23, 1455, in which the Duke was victorious; and the Duke of Somerfet, the Earls of North-Army, and takes umberland and Stafford, John Lord Clifford, with many the King Prifo- others, Persons of Note, and about 800 common Men, were flain; and, what rendered this Victory more complete, the King himself was taken Prisoner d. was the first Blood drawn between the two Houses of

York raifes an

The Duke of

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The Duke of York, and the Lords his Confederates, carried the King with them to St. Alban's, and paid him all the Honour and Reverence due to his Dignity. They belought him, on their Knees, to forgive the Action of that Day, and accept them for his loyal Subjects. For now the Duke of Somer fet, the common Enemy of the Nation, and the Cause of this Commotion, being dead, he, and all his Adherents, would re-

c J. Storive has given us the Articles which, he fays, the Duke of York exhibited against the Duke of Somerset in Parliament; but they are very

trifling and infignificant. Chron. p. 393.

By two Instruments in the Public Ass, we find that the Dukes of York and Somerset were bound to each other in the Sum of 20,000 Marks, to refer their Differences to the Arbitration of the Archbishop of Canterbury, and seven other Bishops and Noblemen, there named, Fad. Asg. Tom. xi. p. 362, 363.

d In an Act of Attainder passed against the Duke of York, &c. Anna 8 Henry VI. The King himself is said to be hurt, or wounded, in this

Battle.

York and Lancaster.

main, during their Lives, his faithful and obedient Sub-King Henry VI. jects; and that he should find that the Destruction of

Somerset was his own Preservation.

With such artful Speeches they amused the poor King, who seemed well satisfied with their Actions. After which the consederate Lords spent their Whitsuntide together at London; where it was resolved to call a Parliament, to settle and compose Things for the general Good of the Nation. Writs were accordingly issued out for summoning a Parliament, dated May 26, at Westminster, to meet at the same Place on the 9th Day of July sollowing. It is to be noted, that no Peers of either Side of the Question were omitted in the Summons; this List being conformable to the last, except in the Names of the Lords slain in the last Battle.

The Records begin this Parliament in this Manner: Anno Regni 33. In the Presence of the King, sitting in his Chair of Estate in the Painted Chamber at Westminster, and of At Westminster. the Lords and Commons, Thomas a Archbishop of Canterbury and Chancellor England, declared the * Cause of the Parliament, and took for his Theme, what is not given in the Record, but an Hiatus left there instead of it. This is, indeed, valde deflendus; for a Speech from the Chancellor, at this critical Pe-'riod, must have been somewhat singular. There is only entered, That the Chancellor willed the Commons to chuse their Speaker, and the next Day to present him to the King: And farther shewed to them, that the King's Pleasure was, That all Estates should " enjoy their Liberties."

It was not till the next Day of the Session that the Chancellor caused certain Articles to be read before the Houses, containing the Cause of the Summons, which

were divided as follows:

First, To take Order for the Expences of the King's Houshold.—For the due Payment of the Garrison at Calais, and the Marches there.—To provide for keeping the Seas against any Invasion of the French; particularly to guard against the Scots, who had besieged Berwick, notwithstanding the Truce.—To appoint how

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P Dugdale's Summons to Parliament, Anno Regni 33. I Thomas Bourchier. Le Newe's Fasti Ecc. Ang.

King Heary VI. how and what Time the 13,000 Archers, granted last Parliament, should be employed.—To procure a perfect Accord and Unity amongst the Lords. To restrain the carrying out of Gold and Silver Coin. To provide for better keeping of the Seas.—To take Precaution that the Peace may be kept in Wales. To every one of which Articles a Committee of certain

Bishops and Lords were, severally, appointed.

Lock choien Speaker.

The Day after, the Commons presented Sir John Sir John Wen- Wenlack to the King, as their Speaker; who, with the usual Ceremony, was allowed. The same Day a long Conveyance, or Charter, made by the King, whereby he acquitteth Richard Duke of York, Richard Earl of Warwick, and Richard Earl of Salisbury, of any disloyal Practices, and taketh them to be his good and faithful Subjects, was read and confirmed by Parliament. In which it is remarked, that Edmund late Duke of Somerfet, Thomas Thorpe, and William Joseph, Esqrs. by their false Dealings, had caused the King to think the contrary of these Lords, and raise a great Power against the Duke and them.

> Then some Letters were read, wrote by the Duke of York, and fent to the Archbishop of Canterbury, Chancellor of England, dated from Royston, in May last, concerning his coming with an armed Force to meet the King, in order to redress the Grievances he had complained of: One of these was also signed by the Earls and Lords that accompanied him, and expressed their great Obeisance and Submission to his Majesty. these Letters, it seems, were kept from the King's Knowledge, by the Duke of Somerset and others, untill fuch Time as the faid Duke of York, &c. met with the King at St. Alban's, last May, in order to have spoke with him; but that the Duke of Somerfet, and others, did resist them with a great Number of armed Men, in which Conflict the faid Duke of Somerset was flain. Lastly, it was urged, That then the Duke of York and his Allies waited on his Majesty very civilly, and made their humble Obeisance to him after the Battle.

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Upon which the Duke of York, and all his Accomplices, were acquitted of coming with him to the faid Con-

Therpe was a Baron of the Exchequer, and Joseph is called by Stowe. for what Reason we know not, the King's Collateral Companion. Sterue's Chros. p. 400.

Conflict or Battle, and of any Harm done at it. This King Heary VIV was confirmed by the King and the general Confent of The Duke of both Houses, and ordered to be inrolled, July 23, in Tork and his the 33d Year of his Reign. All the Bishops and Lords Confederates dewere sworn to be true to the King, in open Parliament, clared innocent, and all their Names are, as usual, entered upon the Record. The same Order was taken for all other Lords that should come to Parliament to take the like Oaths.

The Oath that the Peers took at this Time was as follows: Taking the King by the Hand they fingly faid,

I Do promitte unto your Highness, by the Feith and Trouth that I owe to God and to you, that I shall truly and seithfully kepe the Legeaunce that I owe unto you, my most Soveraine Lord, and to put me in my Devoir to do all that may be to the Welfare, Honoure, and Saufegarde of your most Noble Persone and Roiall Estate and Preeminence and Prerogative; and I shall at no Tyme will or consent to That that might in eny wise be or sowne [turn] to the Hurt or Prejudice of your said most Noble Persone, Dignity, Corone, or Estate. And, over that, I shall with all my Power resist and withstond all theim that wold in eny wise presume to attempt the contrary. So God me help and all his Seyntes.

This Oath was taken and subscribed by the two Archbishops, two Dukes, (York and Buckingham) eleven Bishops, six Earls, two Viscounts, eighteen Abbots, two Priors, and seventeen Barons.

At the Request of the Earls of Salisbury, Shrewsbury, and Worcester, and of the Lord Stourton, who were made Guardians of the Seas, by the last Parliament, they were discharged from that Office: And, July 31, A long Prorogathe Archbishop of Canterbury, as Chancellor, in the tion. King's Presence, prorogued the Parliament from the same Day and Place to the 12th of November ensuing, at Westminster; after a general Pardon had been granted by the King, and confirmed by their Authority, for all Treasons, Felonies, Contempts, Trespasses, &c.

This is a pretty long Prorogation; and as to what was done in the Interval, History being filent, we may conclude that every Thing still continued in a seeming amicable Way. At the Time appointed the two Houses

King Howy VI. Houses met again; but here, it seems, the King was absent, for his Letters Patent were read the first Day, constituting Richard Duke of York to preside in this Session; which Commission was read publickly, first before the Lords, and next before the Commons.

November 13. A Member of the House of Commons, whom the Record calls only by the single Name of Burley, with others, were appointed a Committee from that Body to go to the Lords, and require that the Duke of York and the Lords might move the King to appoint an able Protector and Defender of the Realm, since he would not himself attend the public Service, and that the Commons might be made acquainted with his Perfon and Character.

The next Day the said Burley, and others of the Commons, came again before the Lords, and renewed their Suit about the Protectorship, as they did the Day after. Upon this the Lords held a Consultation on the Affair; when it was resolved, That the Duke of York was the most worthy for the Office; and therefore a Request was made to the said Duke by the whole House, that he would take upon him the said Protectorship, according to the Precedents used before on the like Occasion: The Duke excused himself from accepting the Office, but desired Respite to consider of it.

This Confideration took up but a very little Time; for, the next Day, Burley and the rest coming as before to the Lords, again repeated their Desire. To which the Lord-Chancellor answered, That the King, with the Assent of the Lords, had requested the Duke of York to be Protector and Desender of the Realm. The Duke accepted of it, and made the same Protestation and Demand as he did in the last Parliament, and had the same

The Duke again appointed Protector,

* The Preamble to this Instrument is in these Words thenricus. Sc. Sciatis quod cum not, undetimo Die Novembris uhim præterico, de Assensu constitution of the process of t

De Circumspectione et Industria carissimi Consanguinei nostri Ricardi Ducis Eborum, Sc. Rot. Parl. 34 Henry VI. No. 30.

Dated November 12, Anno Regni 34. Fad. Ang. Tom. XI. p. 370.

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fame Answer. And after the said Duke had had some King Heavy VI. Conference with a Committee of the Peers, appointed for that Purpose, it was agreed, That he should have yearly, towards his Charges, 4000 Marks. Only he defired that it might be recorded, he fought not this Honour himself, but had it laid upon him by them t.

But this great Power, we suppose, was thought too dangerous to remain long in the Duke's Pollettion; for a small Time after, before this Parliament broke up, the King came in Person to the House; and, as well by his Letters Patent, in the Nature of a Writ, directed to Richard Duke of York, as by the whole Confent of the faid Parliament, revoked and repealed the Power of But foon remains Protector and Defender, and Chief Counsellor, before ved. committed to the faid Duke". And, at the same Time. the King committed the whole Estate, Affairs, and Governance of the Realm, to the Lords of his Council, Only, for Matters concerning his Person, they were not to proceed without making him privy to it.

In this Parliament the King, by several Letters Patent, confirmed to his young Son, Edward Prince of Wales, and his Heirs, Kings of England, his Creation of the Principality and Earldom of Chester, with all the

t The Preamble to this Commission is still more remarkable than the former.

Rex, &c. Cum Communitas Regni nostri Angliæ in præsenti Parliamento nostro existens nobis sepius bumillime supplecaverit & instanter persuaserit, ob reprimendas Insolentias, Rebelliones, Murdra, & Riotas, que indies diwerfis ejusdem Regn: Partibus attemptantur & committuntur, & ob bonum publicum Tuitionemque ejusdem Regni ac Pacis nostræ, nec non Tranquillitatis Subditorum nostrorum Conscruationem, inclinare & consentire velimus Per-Sonam aliquam potentem & idoneum Protectorem & Defensorem Regni noffri prædieti constituere & ordinare, cujus Sopientia & Industria, Potentia & Juwamine, Regni Negotia melius, tutius & felicius dirigi & expedire

Nos. Petitionem Communitatis pradicta contemplantes, Infirmitateque, qua altissimo Salvatori nostro Personam nostram visitare placuit, Impedimentum præstante quo minus ad actualem Executionem Protectionis & Defenfionis Regni noftri prædicti & Ecclesiæ Anglicanæ intendere postimus, & si plurimis vexaremur Negotiis, celerique Sanitati recuperandæ Obstaculum foret, confiderata.

De Circumspectione & Industria carissimi Consanguinei nostri Ricardi Ducis Eborum, &c.

A Clause is added, That this Grant shall be void, as soon as Edward his Son shall arrive at Years of Discretion. Dated at Westminfter, Nov. 19. By Authority of Parliament. Fad. Ang. Tom. XI. p. 369, 370.

" This Instrument is dated February 25; under it,

Per ipfum Regem & Confilium in Parliamento. Ibid. p. 373. Rot. Parl. 34 Hen. VI. No. 39, 40.

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King Heary VI. particular Dominions and Hereditaments belonging to the faid Honours. And, as it is recited, because the faid Prince, the King's first-born Son, on the Day of his Birth, is, and ought to be, Duke of Cornwall, the King deliver'd up the same to him, and all other Hereditaments belonging to that Dukedom. Also it was ordained,

deliver'd up the same to him, and all other Hereditaments belonging to that Dukedom. Also it was ordained, That the said Prince shall be at Diet, and live in the King's Court, unto the Age of sourteen Years; for the which Diet the King shall yearly take all the Revenues and Profits of the said Principality, Earldom, and Duchy of the said Prince, untill the said Prince come to the Age of sourteen Years; allowing yearly, towards his Wardrobe and Servants' Wages, 10,000 l. unto the Age of eight Years, and from that to fourteen Years 20,000 Marks yearly; with several other Provisions there expressed, which were all confirmed by Parliament.

At the Request of the Mayor and Company of the Staple at Calais, Sir John Cheyney, Knt. Victualler of that Town, who, by the Appointment of the Council, had delivered to the said Mayor and Company certain of their Obligations, to the Sum of 2000 Marks, which they lent the said Sir John by Consent of Parliament,

was acquitted of the same.

The King, for 20,000 l. borrowed of the Merchants of the Staple, by the Affent of Parliament, granted to them the Repayment of the fame out of the Customs and Passage-Dues in the Ports of Sandwich and Southampton.

A particular Allotment of 3934 1. 19 s. 4\frac{2}{4} d. out of divers of the King's Revenues, Customs, and Fee-Farms, is allowed yearly towards the Charges of the

King's Houshold.

A general Act of Resumption of all Lands, Offices, Fees, &c. from the first Day of this King's Reign, was passed, with a great Multitude of Provisions made by the King therein, by which one might suppose that the whole Act itself was evaded.

After

y Notwithstanding these Royal Donations, Historians stick not to say, that he was not so much as the Queen's Son, but changed in the Cradle. Fabian's Chron. Anno 1453.

Fabian's Chron. Anno 1453.

Holling spead writes, That it was the Opinion of the common People, (perchance untruly, says he) that the King was not able to get a Child. Chron. p. 641.

After all this Business was transacted, Thomas Arch-King Henry VI. bishop of Canterbury, and Chancellor of England, by the Appointment of the Duke of York, the King's Commissioner, in the Presence of the Lords and Commons, prorogued the Parliament from that Day, December 14, to the 14th of January next ensuing, at West-minster.

. But though we hear no more of a Meeting of this Parliament, yet it is necessary to learn what Historians have collected relating to the Proceedings of it, that the Reader, by comparing them with the foregoing Account from the Records, may better come at the Source of the Mischiess which soon after involved all England

in Blood and Ruin.

It is faid that this Parliament met on the Day appointed, July 9, in order, indeed, to fettle Things according to the Will of the conquering Lords, but under a Pretence of doing all for the Public Good 2. Some few Acts were made, more for the Colour of Justice than the common Safety. One was, 'That Servants of Perfons lately deceased, who have embezzled their Mafters' Goods before the Executors can enter upon them. if they are found guilty, shall be attainted of Felony. That whereas the Officers of the Exchequer were eguilty of great Extortion in exacting Fees of the People, it was stinted what Fees should be taken by them in the feveral Causes there tried and adjudged. ⁶ That there should be but fix common Attorneys in the County of Norfolk, fix in Suffolk, and two in Norwich; because it was found by Experience that the Multitude of Attorneys in those Counties stirred up and procured many Suits at Law for small Trespasses. 6 little Offences, and small Debts 2. These Acts were passed and published, to let People see what a Reformation they might expect, if the popular Lords had the But, adds our Authority, they served only as a curious Prologue to what followed, and was chiefly intended, viz. the following Votes and Resolutions:

First, 'That the Government, as it was managed by Resolutions' the Queen, Duke of Somerset, and their Friends, had against the

been of late a great Injustice and Oppression to the Queen, &c.

People.
2 Sam. Daniel by Kennet, p. 412.

'That

See Statutes at large, Anno 33 Henry VI, chap. i. iii. vii.

King Henry VI.

That the King, who was himself a pious and good Prince, had been abused by those who counselled and advised him, to his great Dishonour.

'That the Duke of Gloucester, whose Memory had

been stained with a Charge of Treason and Rebellion fince his Death, was a true and faithful Subject both

6 to the King and Realm.

That all Manner of Alienations and Gifts of the Revenues and Lands of the Crown, whether made by

the King himself or Parliament, from the first Year of his Reign, should be revoked, and the said Lands and

Revenues refumed and taken into the King's Hands
 That no Person or Persons should judge or report

that the Duke of York, with the Earls of Salisbury

and Warwick, were guilty of Rebellion or Treason, in coming against the King, in a warlike Manner, to

St. Alban's, fince the Action was necessary, and taken

in Hand to free the King from Captivity, and bring Peace and Safety to the Nation; but all the Blame was

to be laid on the Duke of Somerfet, Lord Chief Baron

Thorpe, and William Joseph, Esq; who, out of a malicious and evil Design, kept 2 Letter sent by the Lords

from the King's Knowledge; which, if it had been delivered to the King's Majesty, would have taken

away the Cause of these Disorders c.

By these Votes and Acts, adds our Authority, they made Way for the Resolution, which was the main Drist of all; by which it was appointed that the Duke of York should be Protector of the Realm; the Earl of Salisbury, Lord-Chancellor; and the Earl of Warwick, Governor of Calais and the Territories thereunto belonging: So that all Authority, Civil and Military, was in a Manner put into the Hands of the Consederate Lords, who made a Kind of a Triumvirate, and Henry had only his Title

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b Holling fload, p. 644.
c The Purport of the Letter was this: "That, as faithful and humble Subjects, they required only that it would pleafe the King, whose Honour, Health, Surety, and Preservation they chiefly wished, not to give Credit to their Adversaries' malicious Suggestions. till their coming to his Presence; unto which they humbly besought him that they might be admitted as his saithful Liege People, to shew the Intent and Purpose of their coming; which was to no other End than to declare their Fidelity and Allegiance towards his most Royal Person; intending to put themselves, with much Diligence and Labour, to procure him as much Honour, Health, and Safeguard as any Subject living." Hall's Chron. p. 644.

This Letter is at Length in Rot. Parl. 33 Henry VI. No. 20.

of King, without any other Power. Under this Esta-King Henry VI' blishment the Lords were very careful to administer Justice impartially, to avoid Delays of Suits, and to punish Bribery, in order to ingratiate themselves with the People.

An old Historian remarks, That they had no Mind to destroy the King, lest they should suddenly provoke the Fury of the common People against them; amongst which simple Sort, adds he, for his Holiness of Life and abundant Clemency, he was much favoured and esteem-

ed d.

Thus far our Historians; whose Account, if compared with the Records, is somewhat contradictory, tho' the main System of this Demi-Revolution seems to be fet in a true Light. But this exalted Power, so snatch'd as it was, continued on its Basis but for a small Time. for the Queen foon found Means to overturn it. withstanding the Loss of the Duke of Somerset and others in the Battle at St. Alban's, the had then several very eminent Lords in her Interest; and, being a Lady of a masculine Spirit, she was not afraid to undertake any Thing to keep up the Dignity of her Husband's Crown. It is probable that the caused the King to revoke the Grant of the Protectorship to the Duke of York, in the last Session of Parliament, before it was prorogued, as it is particularly mentioned in the Records, though all our Historians are filent about that, and only fay that the Duke and Earl of Salisbury were displaced from their great Offices, by an express Order under the Great Seal, some Time after the Parliament broke up .

It is not in the Compass of these Inquiries to trace the Beginning, or Progress, of these intestine Troubles, any further than the Parliament of England was concerned in them, some necessary Connections being allowed. The Queen and her Party being again restored to the Government, kept their Ground for some Time; tho' the discontented Lords watched all Opportunities to dislodge them. Some Tumults and Skirmishes happened betwixt the two Parties, and another general Battle was dreaded; to prevent which, the pious King and

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d Hall's Chron. Fol. clxix.

[•] It was done by Act of General Council, called for that Purpose to Greenwith. Holling shead, p. 646.

King Heavy VI. his Bishops interfered, and Terms of Accommodation

between the Queen's Party sate Lords;

were offered to reconcile them. A grand Meeting of An Agreement the Heads of both Parties appeared at London, with numerous Retinues of armed Followers f; and there, and the Confede-Sword-in-Hand, as it were, a feeming Reconcilation was effected, the Terms of which are contained in eight Articles. Which Award, or Agreement, was fealed with the Great Seal, in the King's Palace at Westminster, March 24, 1458. and the thirty-fixth of his Reign 5.

And, on the Day of Publication, a folemn Procession was made to St. Paul's Church; the King in his Royal Robes, and the Duke of York leading the Queen, before whom marched the young Duke of Somer fet and the Earl of Salisbury, the Duke of Exeter and the Earl of Warwick, with the rest of the Lords, thus coupled, attend-

ing h.

Affairs continued in a peaceable Manner, after this, but a very short Time; for the same Year, a Fray happening near the King's Palace at Westminster, between a Servant of the King's and some of the Earl of Warwick's, the Quarrel run fo high, that, many joining on each Side, the Earl himself had like to have been slain, who came to appease it. The Earl taking this as a Defign of the Queen's to murder him, and fearing work might happen, he hastened down to York, where, meeting the Duke and his Father, they foon concerted Meafures together to begin a new Commotion.

But the Quarrel foon renewed.

The Civil War was again entered into with great Briskness on both Sides; but Fortune did not favour the Duke of York and his Party in this second Attempt; for when the two Armies were come so near that a Battle was expected, the King's Proclamation of a general Pardon, for past Offences, caused most of the Duke's Followers to throw down their Arms, and accept it; and their Leaders were forced to fly into different Countries for Protection.

Henry f Fabian has left us an Account how and where the Lords of both Parties were lodged in the City and Suburbs. That some had 600 armed Men, some 900, and none less than 400, in their Retinues. So that the Mayor was obliged to keep a strong and diligent Watch, Night and Day, to prevent Tumults. Chron. Anno 1458.

g See the Form of this Award in Holling sheed, p. 647, and the other English Chronicles, Jub boc Anno.

h Holling shead, p. 648.

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Henry having thus got a Victory, without Bloodshed, King Heary VI. came to Covenity; where he had fummoned a Parlia-The King gains ment to meet on the 20th of November, by Writs dated a Victory. at Leominster, or Lempster, the 9th of October foregoing. It appears by the Lift of the Lords called to this Parliament, that it was wholly made up of those who were Staunch Friends to the House of Lancaster; though the Archbishops, Bishops, &c. were summoned as usual 2.

On the Day of their Meeting, the King fitting in his Anno Reghi 38. Chair of State, in the Chapter-House belonging to the Priory of our Lady at Coventry, the Lords and Commons being also present, William Bishop of Winchester b, then Chancellor of England, made a notable Declaration, fays our Authority, why this Parliament was called. But here is another Hiatus left by the Clerk, and no more of the Chancellor's Speech is given in the Record than his Theme or Text; which was, Gratia vobis & Pax multiplicatur; a very proper Portion of Scripture at that Time. However, we are told that the Chancellor defired the Commons to chuse their Speaker, and pre-fent him the next Day to the King. Accordingly the THOMAS TRE-Commons presented Thomas Tresbam, Esq; whose Ex-sen Speaker. cuse being rejected, with the common Protestation, he was allowed.

At Coventry.

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The first Thing this Parliament went upon, was to bring in, and pass, a Bill of Attainder against Richard The Duke of Duke of York, and others, his Accomplices. The In York, &c. atstrument is very long, and contains, amongst other tainted. Matters, the following Charges:

First, 'A Commemoration of the King's great Care The Articles in bringing the faid Duke up from a Child; and the against him.

many Kindnesses and Honours he had bestowed upon him and his two Sons. Next, The Confederacy of

the faid Duke with Jack Cade, to get himself advanced to the Crown: The Duke's coming out of Ireland

with Forces, even into the King's Court and Presence:

· His Practices to be Protector: His Intent to have rais'd

an Army against the King at Dartford, in Kent: The Duke's Submiffion and Oath to the King in Paul's,

after the same: The Duke's Oath at large: His Con-

a Dugdale's Summons to Parliament, Anno 38 Henry VI. Fabian calls this Meeting a Parliament or a great Council. Chronicle, 1459, 60.

b William Wayneflete. Le Neve's Fafti Ecc. Ang.

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King Henry VI. 6 federacy with the Earls of Warwick and Salisbury : A Rehearfal of the King's fundry Favours and Benefits conferred on the faid two Earls: The King's Pardon granted to the faid Duke and Earls, and their Promises of due Obedience, with a Renumeration of divers Bee nefits bestowed upon them after: The Ambition of the faid Duke and Earls; their new Oaths and Pro-* miles made to the King; their Policy in not coming to the Council; and their Readiness in getting together from a great Distance: The Expedition of the Earl of Salisbury, with Thomas and John Nevile, Knts. Sons to the faid Earl; Sir Thomas Harington, Sir John · Conyers, Sir Thomas Parre, Knts. William Stanley, Esq; Son to Thomas Lord Stanley, and Thomas Meryng, of Tong, in the County of York, with 5000 Men and Banners displayed at Bloreheath, on the Feast of James Lord Audley St. Matthew, Anno Regni 38. Islain at the Battle of Bloreheath, in Staffbrdfbirec, by the faid Earl; and John Lord Dudley, with feveral others, taken Prisoners: The King's pursuing them for the Space of thirty Days and Nights; the King's Pardon offered to them, and their Refusal: The Asfembly of the said Duke also at Ludeford, in Herefordshire, with Edward Earl of March, Richard Earl of Warwick, Richard Earl of Salisbury, Edmund Earl of Rutland, John Lord Clinton, John Wenlock, James Pickering, John Coniers, and Thomas Parre, Knights; 4 John Bourchier and Edward Bourchier, Esqrs. Nephews to the faid Duke; Thomas Colt, of London, Gentleman, . John Clay, of Cheshunt, in Hertfordsbire, Roger Eyton, of Shrew/bury, and Robert Bold, Brother to Sir Henry Bold, Efgrs. who, with many others, pitched their Field near Ludeford, in the County of Hereford, on Friday the Vigil of the Translation of St. Edward, Anne Regin 38: That the Duke made a Pretence to the Army that the King was dead, for whose Soul Mass was faid publickly in the faid Duke's Camp: The King's Exe pectation of the Duke, and the Duke's ranging his Army in Battle Array, fortifying the Ground with Carts, placing Guns upon them; an Ambush laid, and his Intention to have fuddenly furprized the King's Forces: The Departure of the faid Duke and Earls out

c Near Drayton, September 23, 1460.

out of the Field, about Midnight, under Colour to King Huny VI. repose themselves at Ludlow, and their Flight into

Wales, because that their Army sainted and submitted themselves to the King, who granted them Pardon.

Wherefore, for these and many other Causes, the faid Duke, Earls, and others, were attainted of Treafon by Parliament, and voted Traitors to the King and Kingdom; Alice the Wise of Richard Earl of Salisbury, Sir William Oldhall, Knt. and Thomas Vaughan, of London, Esq; were, at the same Time, attainted as Traitors, for procuring and aiding the Treasons aforesaid. And all and singular Hereditaments, &c. of the said Duke, and others, attainted, in Fee or Fee-Tail, were adjudged to be forseited to the Crown; and their Heirs disinherited to the Ninth Generation.

Richard Gray Lord Powis, Sir Henry Radford, Knt; and Walter Devereux Esq; were pardoned their Lives, for being in the Field with the Duke at Ludlow; but their Hereditaments, and other Profits, were forfeited

as before.

It was enacted, 'That all Letters Patent and Grants of any Office to any Person that was against the King in the Fields of St. Alban's, Bloreheath, and Ludlow, shall be void; and that all Grants made by Richard Duke of York, or by the Earls of Salisbury and War-wick, to any Persons, being in those Fields against the King, be also void: But that all Grants made by the King to Persons with him in the said Fields, may stand

good; some Provisoes excepted.

At the Request of the House of Commons, Walter Hopton, Roger Kenistone, Fulk Stafford, William Hastings, (Son to Sir Leonard Hastings, Knt.) and William Bowes, Esqrs. for being in the Field against the King at Ludlow, paid their Fines, and were pardoned. At the same Time the Commons accused the Lord Stanley, in sundry Particulars, of being in Consederacy with the Duke of York, and prayed that he may be committed to Prison.

Answer. The King will be advised.

M He was Earl of Salifoury in Right of his Wife, who was Daughter and Heir to Thomas de Montacute, the last Earl of that Name. Dugdale's Baronage, Part I. p. 302.

Holling flead, p. 652. Daniel in Kennet, p. 420.

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King Honry VI. After which another very solemn Oath was framed, which all the Bishops and Lords, there named, did take, subscribe, and seal, on the 11th Day of December, in sull Parliament.

The Form of this Oath is much stronger and more binding than the last, taken in the 33d of this King, (which we have given before) when the Yorkist had him in Custody; and fince we have chose to copy the former from the Record, the latter demands a Place also in these Inquiries, to shew the extreme Jealousy of these Times, and what Precaution was taken to secure the Attachment of the Nobility to the reigning Prince.

A folemn Oath

JA. B. acknowleche you, mooft High and Mighty and mooft Criften Prynce, King Henry the Sixt, to be my mooft redouted Soveraigne Lord, and righteoufly, by Succession, borne to reigne uppon me and all your Liege People; subersuppon I voluntariely, without Cohertion, promitte and oblish me, by the Foith and Trouth I owe unto God, and by the Feith, Trouth, and Ligeannce that I owe unto you my mooft redented Severaigne Lord, that I shall be, without any Variannce, true, feithful, humble, and obeifarmt Subget and Liegeman, unto you my mooft redouted Soveraigne Lord; and that I shall be with my Lives End, at all Tymes and Places, redy and attending at your Calling, in my mooft berty Wyse and Maner, as any true Liegeman oweth to be unto his Soveraigne Lord, putting me In my true undelaced Devoir to doe all that that may be unto the Wele and Surete of your mooff Roiall Persone, of your mooft noble Estate, and the verray Conservation and Continuance of your mooft high Authorite, Pree-eminence, and Prerogatife; to the Wele, Surete, and Preserveing of the Persone of the moost high and benigne Princesse Margarete the Quene, my Soveraigne Lady, and of her mooft high and noble Estate, she being your Wyf; and also to the Wele, Surete, and Honour of the Persone of the right High and Mighty Prince Edward, my right redouted Lord, the Prynce your first-begotten Sonne, and of the right high and noble Estate of the fame; and feithfully, truly, and obeisfantly, in my moost humble Wyse and Maner, bonoure, ferve, obey, and bere myne Aligeannce unto you my mooft redouted Soveraigne Lord, during your Lyf, sobich God, . Fader

* Rot, Parl. 31 Henry VI, No. 26.

Fader of Mercy, for my moost singular Comfort, preserve King Henry VI. long in Prosperite to endure: And yf God, of his infinite Power, take you from this transitorie Lyf, me beryng Lyf here in this World, that than I shall take and accept my feid redouted Lord the Prynce Edward, your feid firstbegotten Sonne, for my Soveraigne Lord, and bere my Trouth, Feith, and Liegeannce unto him, as my naturall-borne Soveraigne Lord; and, after bim, unto his Succession of his Body lawfully begoten; and, in Defaute of bis Succession, wich God defend, unto eny other Succession of your Body lawfully comyng. And I shall never at eny Tyme, for eng Maner, Occasion, Colour, Affinite, or Cause, consent, give Aid, Affistence, or Favoir, or agre to eny Thing that I may, understand or know by eny Meane, that may be prejudigiall or contrarie to the Premiss, or eny of them; but that I shall, as soon as I may see or have Knowleche, put me in my due undelayed Devoir, in my mooft berty and effectuous Wyse and Maner, without Colour or Feyntise, with my Body, Goodes, Might, Power, Counseill, and Advertisement, to resist, withstand, and subdue all them that wold in enywyse presume to do contrarie to the Premisses, or eny of them: So God me help and thisse holy Evangelists. In Witness whereof I sett to theise Profents my Seall and myne Signe Manuell.

This Oath was taken and subscribed by the two Archbishops, the Dukes of Exeter, Nerfolk, and Buckingham, sixteen Bishops, sive Earls, two Viscounts, sourteen Abbots, two Priors, and twenty-two Barons: In all sixtysix Peers of Parliament.

The more private Transactions of this Parliament,

on Record, are thefe:

The King, by the Authority aforesaid, gave to the Queen the Manor of Cospam, with the Appurtenances, in Wilts, and 201. yearly out of the Aulnage of Cloth in London, in Exchange for the Manor of Havering-Bower, in Essen, which had been settled upon her.

All such Manors and other Hereditaments of the Duchy of Lancaster, as are comprized in an Article made 23 Henry VI. which, with other Hereditaments of the said Duchy, were granted to Thomas Archbishop of Canterbury, and to several other Feossess in Trust, for the Performance of the King's Last Will, were commanded

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King Heary VI. manded to pass under the Great Seal, and were confirm'd

by Parliament.

Edward Prince of Wales, by his Petition, reciteth the Erection, Donation, and Annexing of the Duchy of Cornwall, with all the Hereditaments and Liberties belonging to the same, granted by Parliament; and several other Patents granted 11 Edward III. were also recited at large; whereupon the said Prince required that he may enjoy the same accordingly; and, amongst other Things, that all such Tenants as hold of the said Duchy in Chief, may therefore sue Livery out of the said Duche's Hand, although they hold otherways of the King in Chief; and that he may freely enjoy the said Duchy, with all the Revenues and Liberties of the same, as it ought to be, notwithstanding a Statute made Anno 33 Henry VI. all which were granted, by common Consent, with certain Provisoes and Exceptions.

The King's Letters Patent were confirmed, by this Parliament, to the Provost and Scholars of the College of Eaten, and as well all and singular his Grants, as all other Men's Grants made to the said Provost and Scholars. The same Confirmation was made to the Provost and Scholars of King's College, Cambridge; with a Provision for a College called Pembroke Hall, in that University. Likewise the Royal Foundation and Donation of the Priory of Syon, erected by King Henry V, was confirmed by the whole Assent of Parliament.

The Commons exhibited a Complaint against twenty-five Knights and Esquires, by Name, of several Counties, for their manifold Robberies, Rapes, and Executions; against which strict Orders were taken to cause

them to answer for the same.

It was enacted, 'That all Letters Patent made to any Person or Persons, of the Offices of Sheriffs or Escheators for Life, within the Counties of Chester and Flint,

be utterly void, except certain Persons there named.

Lastly, and what is very remarkable, on a Petition of the Sheriffs of Shires within this Kingdom, that were in Office the last Year, an Act was passed, 'That all

- fuch Knights of any County as were returned to this
- Parliament by Virtue of the King's Letters, without any other Election, should be valid; and that no Sheriff,
- for returning them, shall incur the Penalty of the Sta-

futc

A grange A& in Favour of the Prerogative.

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tute made Anna 23 Henry VI. b.' --- But more of this king Henry VI. hereafter.

After all which, on the 25th Day of December, the Chancellor, in the Presence of the King and the Three Estates, and by his Majesty's Command, after giving Thanks to the whole Body, dissolved this Parliament.

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These were the Transactions of this extraordinary Parliament, extracted from the Records; of which our Historians are almost altogether filent; nor is there any Mention of it in the Statutes at large, except that we find an Act was made, in the next, to repeal and abolish all the Proceedings of this Parliament at Coventry. It is very remarkable, however, what one contemporary Historian hath left us, concerning King Henry's Conduct on the Bill of Attainder: He writes, 'That, when the Clerk of Parliament had read the Statute to the Lords, the King's Modesty and Love for Mercy was so great, that he caused a Proviso to be inserted and added to the Bill, That it might be lawful, to him * at all Times, fully, without Authority of any other Par- liament, to pardon the faid Noblemen, and restore them
 again to their former Estates, Degrees, and Dignities, if, with a Spirit of Humility, they came to befeech his Grace and Favour c,

But, not long after their Rising, Affairs had a new A second Battle Turn; and the Partizans of the House of York overthrew at Northamptes. all the Measures that had been taken against them. A Battle was fought near Northampton, with great Obstinacy on both Sides; till at length the Victory sell to the young Earl of March, eldest Son to the Duke of York; who, in his Father's Absence in Ireland, was General in Chies. Ten Thousand of the King's Forces were slain, amongst whom were these Men of Note: Humphrey Duke of Buckingham; John Talbot, Earl of Shrewsbury; Thomas Lord Egremont; John Viscount Beaumont; and Sir William Lacy. The King himself The King again was again taken Prisoner in his Tent; whilst the Queen, taken Prisoner, with the young Prince Edward her Son, and the Duke of Somerset, fled as far as the Bishopric of Durham, be-

b Rot. Parl. 38 Henry VI. No. 35.

c J. Whethamflead, Abbot of St. Alban's, This is confirmed by the Record.

King Henry VI fore they thought themfolves fafe from the Parsuers.

This Battle was fought July 6, 1461.

The victorious Lords having the King once more in their Power, and ruling all Things almost at their own Pleasure, proceeded vigorously in the Execution of their Designs. To that End they summoned a Parliament, in King Henry's Name, to meet at Westminster on the 7th of October this Year; the Writs bearing Date at the

same Place, July 30, Anno Regni 39.

There is a Mistake of a Year in the Date of Dugdale's Summons to this Parliament, which the Records set right: But then the former has given the Names of all the Spiritual and Temporal Lords, &c. which are wholly emitted in the other; in which we remark that the Summons was general, for all the Peers of both Parties, which were left alive, were called to it without any Exception; and there is nothing in the Body of the Writ which is contrary to the usual Form: The first of those to the Lay Lords, was directed to Richard Duke of York, in the same Stile as before 4.

Anno Regni 39.

At Westminster.

In the Presence of the King, sitting in his Chair of State, in the Painted Chamber, within the Palace at Westminster, and of the Lords and Commons, George Bishop of Exeter, then Chancellor of England, made a Declaration, taking for his Theme, Congregate Populum, Sandisticate Ecclesian. At the Conclusion of which the Commons were desired to chuse their Speaker, and present him to the King. The next Day the Commons made a Declaration to the Chancellor, that they had made Choice of a Speaker, and on the fourth Day of this Session they presented John Green, Esq; whose Excuse being resuled, he was admitted as usual.

John Green, Eig; choien Speaker.

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The Receivers and Triers of Petitions being appointed, as usual, the next Thing this Parliament went upon was to pass an Act to repeal every Thing that was done in the last held at Coventry, Nov. 20, An. 38 Henry VI. and that all Acts, Statutes, and Ordinances, made by the Authority of the said Parliament, shall be reversed:

d Rex chariffino Confanguineo fuo Ricardo Duci Ebor, Sc. Dugdale's Summons, Anno Regui 28.

e George Newile, Son to the Earl of Salisbury, and Brother to the famous Earl of Warwick, afterwards translated to York. Le Neve, &c.

f The Clerks in this, as well as fome former Parliaments, always omit the Chancellor's Speech at the Opening. For which this Reason is affigued, Because that Parlia-King Henry VI. ment was unlawfully summoned, and the Knights and Bur- All the Acts of geffes not duly chosen E. the late Parlia-

The Reader may observe, by a Paragraph in the Ac-ment at County count of the last Parliament, that the Ring was obliged repealed. to get the Sanction of the Houses to gloss over an undue Practice in the Return of Knights of the Shires for that Parliament. It is probable that Henry's Credit was then at so low an Ebb, that he durst not trust the Country on fuch an important Occasion; and therefore summoned the Knights by Letters expresly from himself. This unwarrantable Proceeding must be the first that the Duke of York and his Party would take hold of, to cassate and annul that terrible Bill of Attainder which was carried against them in that Parliament. effectually they did it, that the Acts and Statutes of the Parliament at Coventry have no Place nor Mention in our Statute-Books, except in the Repeal, as is faid before h.

And now we begin with the first Time that Richard Duke of York made his public Claim to the Crown of The Duke of York's Claim to England, in the Face of an English Parliament. It has the Crown, ac, been many Times hinted at before, in the Progress of cording to the these Inquiries, that his sole Aim was to gain the Dia-Records. dem; notwithstanding the many specious Pretences of raising Armies to reform Grievances, in order to hide his real Design. As this is a Crisis of Time very remarkable in English History, and the Duke of York's Claim made valid, or disputed, by Writers of different Sentiments, we shall first give what we can extract from the Records; and, next, what our best Historians have

left us about it.

On the 16th of October the Council for the Duke of York exhibited a Writing to the Lords, in full Parliament, containing the Right and Claim of the faid Duke to the Crown of England and Lordship of Ireland. The Lords, upon fome Consultation amongst themselves, agreed that it should be read, but not to be answered without the King.

See Statutes at large, Anno 39 Henry VI. cap. i. h In the Public Acts is a Mandamus fent to the Sheriffe, &c. through England, commanding them to make Proclamation in their several Divisions, that the Acts, &c. done at Coventry are null and void. Dated at Canterbury, August 8, 1460, Austoritate Parliamenti. Feed. Ang. Tom. XI. p. 460.

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King Henry VI.

The Duke, in his Claim, derived his Pedigree from King Henry III. to King Edward III. and proved himfelf descended in a right Line from Lionel Duke of Clarence, third Son to King Edward III. by which he avouched himself the undoubted Heir to the Crown before any of the Line of John of Gaunt, who was only the fourth Son to the said King Edward.

The Lords, after a long Consultation, thought proper to lay this Claim and Title before the King, who defired them to call the Judges, King's Serjeants, and the Attorney-General, to answer the same. But these Men, well considering the Danger in meddling with this high Affair, utterly resused to be concerned in it; nor would they, though urged to it by Threats, give any Opinion of the Matter. Upon which an Order was made, That every Peer made might freely and indifferently speak his Mind, without Fear and Impeachment. And, in the End, the following Objections were made to the Duke's Claim:

Objections to his Title. 1/1, 'The Oaths of all the Lords taken to the King in being, and particulary the Oath of the Duke him-felf; which neither they nor he ought to break.

adly, 'The several Acts of Parliament made against the Title of the said Duke, by divers of the King's Progenitors; which Acts, being of more Authority than any Chronicle, are thought sufficient to bar the Duke's Claim.

3dly, 'Several Acts of Entail made of the Crown of England on the Heirs Male.

4thly, 'That the Duke, by pretending to draw his 'Title from Lionel Duke of Clarence, should rather bear his Arms than those of Edmund Langley, Duke of York.

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Lastly, 'That at the Time Henry IV. took upon him the Crown of England, he said he entered and took the same, not as Conqueror, but as right Heir to King Henry III.'

The Answers which Richard Plantagenet, commonly called Duke of York, gave to the Objections afore-

faid, were as follow:

The Duke's Aniwer. First, 'That no Oath, being made by the Law of Man, ought to be performed or kept, when the same tendeth

tendeth to the Suppression of Truth and Right; which King Honey VI.

is against the Law of God.

"To the second and third, He knoweth no other Acts of Parliament than one, Anno 7 Henry IV. touching a general Tayl, by him an Usurper; for, if he had any Right to the same, he neither needed nor would have

made fuch an Entail.

" To the fourth, He justly might have borne the Arms of the Duke of Clarence, and of England; only he forbore the same for a Time, as he did his Claim to the Crown, for Causes not unknown to all this Realm; for, though Right for a Time, says the Record, e rest and be put to Silence, yet it rotteth not, nor shall if 4 perish .

The fifth, Being a manifest and an approved Unf truth, was only a Cloak to shadow the violent Usurs pation of Henry of Derby, and to deceive the People

f ftanding about him.'

After these Answers of the Duke, to the Objections against his Title, were read in the House, the Lords went upon Ways and Means to compromize Matters, and came to this Resolution, 'That since the Title of the Duke of York to the Crown of these Realms could I not be defeated, the prefent King should enjoy the 6 Crown of England, during his Life; and that the 5 Duke and his Heirs should succeed after him; which Determination the Chancellor was appointed to declare The Patisment to the King. And the Duke of York's Pedigree and determine himte Title being again repeated to him, the King confented succeed to the to this Award; and it was drawn up in Form follow-Crown after ing: ing:

First, & That the King should, during his Life, ens joy the Crown and Preheminence of the Realm of

* England.

'That the said Duke, the Earl of March, and Edmund Earl of Rutland, his Sons, should be sworn by no Means to shorten the Days, or impair the Sove-

freignty, of the faid King, during his Life.

'That the faid Duke should be from thenceforth reputed, and stiled, the very Heir Apparent to the Crown aforesaid, and shall enjoy the same after the Death, or Refignation, of the said King.

f That

b Rot. Parl, 39 Henry VI. No. 17.

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King Honry W.

That the faid Duke shall have Lands and Heretitaments allotted to him of the clear yearly Value of
10,000 Marks; whereof 5000 shall be for his own
Estate, 3500 for the Earl of March, and 1500 Marks

for the Earl of Rutland.

That the compassing the Death of the faid Duke fall be Treason.

'That all the Bishops and Lords, in full Parliament, finall swear to the said Duke, and to his Heirs, in Form aforesaid.

That the faid Duke and his two Sons shall swear sto defend the Lords, on Occasion of their consenting,

s or agreeing, to this Award.'

The King, on his own free Motion, and with the Confent of the Lords, agreed to all the Ordinances aforefaid. And, by the Affent aforefaid, he utterly repealed the faid Statute of Entail, made Anne 7 Henry IV. and all other Acts that tended thereto; to always as, hereafter, no better Title could be proved for the defeating of this Title and Act new made.

After all this, on the Vigil of the Feast of All Saints, the Duke of York, and the two Earls his Sons, came into the Parliament before the King and Lords, and there both promised and swore to perform the Award aforesaid, provided the King, on his Part, duly performed the same; which the King then also promised to do. All which Protestation the Duke and Earls re-

guired to be inrolled.

Then the King, by his Letters Patent, affigned to the Duke of York feveral Districts and other Hereditaments in Wales, and elsewhere, to the yearly Value of 10,000 Marks, as aforefaid; in which Grant are several Provisions, particularly for the Duchy of Lancaster. All this was confirmed by the full Confent of Parliament; and an Act was published, Declaring the Duke of York to be right Heir to the Crown; by which also a Power was given him, to ride through

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the whole Kingdom, for suppressing of all Rebellions and Insurrections; wherein Commandment is given to all Sheriffs, Officers, and Subjects, to obey him as

the King, under some Restrictions.

An Affair or two, of lefs Confequence, concludes the Bufiness of this Session in the Records.

Whereas

Whereas for such Hereditaments of the Duchy of King Henry Lancaffer, which the King had put under Feoffees in Trust, to the Use of his Last Will, there was appointed one Chief Steward and Chancellor, one Receiver-Gezeral, an Attorney-General, with Auditors, with Fees accordingly; the King, by Affent of Parliament, revokes all the faid Offices and Fees in the faid Grant, fo as all the faid Premisses in Feoffment shall be under the Rule and Government of such Chancellors, and other Officers. as were and had the same before the said Feoffment was made. And it was further enacted, 'That all the Revenues of the Duchy of Lancaster, as well of Land and Feoffment as otherwise, shall be received by the Receiver-General of the faid Duchy, for two Years, and by him paid over to the Treasurer of England; with other weighty Affairs of the Realm, wherein are contained some principal Provisors for Foreigners and Officers of the faid Duchy.' Lastly, All the Conveyances and Feoffments, in Use for all the Hereditaments, mentioned in the 38th of Henry VI. were rehearfed; and it was enacted 'That all and fingular the Premisses shall to only to the Performance of the King's Will, and not otherwise."

One Act only, made in this Parliament, is entered at Length in our Statute-Books; which is, 'That a 'Woman at fourteen Years of Age, on the Death of her Ancestor, shall have Livery of her Land.' This Act was passed on the Petition of John Nevil, Knight, and Isabel his Wise, the Daughter and Heir of Edmund Ingaldeshorp, Kmt. —Thus far from the Records.

We shall next examine how our Historians have treated this important Affair of the Succession, which was the greatest that ever came before an English Parliament. And first

liament: And first,

Mr. Daniel tells us, 'That after the victorious Lords, who had now the King in their Power, had caused him to call a Parliament, they sent Messengers, with all The Duke's Speed, to Ireland, to inform the Duke of York of their by Historians, Success. Ambition, says our Author, needs no Spurs; the Duke presently embarked himself and his Retinue at Dublin, landed at Chester, and, October 10, made his public

2 Rot. Parl. 39 Henry VI, No. 36.

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lary VI. public Entry into London, with Trumpets founding, & naked Sword borne before him, a great Train of armed Men accompanying him, and took up his Lodgings in the King's own Palace, and in his own Apartments, the humble King contenting himself with the Queen's

Lodgings.

The Parliament had fat three Days before the Duke arrived; and he, having passed through the City in the Manner aforesaid, went directly to Westminster, into the House of Peers, and placed himself on the King's Seat or Throne; tho' other Historians say t, That he did not fit down, but only took hold of the Cloth of State. He flood a while in that Posture, looking upon the Lords stedfastly, as the he would read their Countenances, their Thoughts, and Resentment of that Action. At that Instant Themas Bourchier, Archbishop of Canterbury, came from Henry into the House; and, after making the usual Reverence to the Duke, he asked him, Whether he would not go and pay his Respects to the King? The Duke, at this Question, was observed to change Colour, and then answered him in a Passion, That be knew none in this Kingdom to whom he owed that Duty or Honour; but, on the contrary, all Men owed it to him; and therefore King Henry ought to come to him.

The Archbishop, having heard this Reply, went back [301]

to the King to let him know it; which the Duke perceiving, he rose up and followed him into the Palace, got Possession of the King's Lodgings, breaking open several Doors and Locks for Entrance. He staid there but a little while, and then returned to the House again, leaving his Servants and chief Attendants to keep them Being again seated on the Royal Throne, he for him. boldly made his Demand of the Crown, and the Regal Authority of England, in a Speech for that Purpose.

Hall, in his Chronicle, hath given us a Speech, which he fays the Duke of York spoke from the Throne in the House of Peers, when he made his Claim to the Crown at that Time; but the Substance and Language of it is so very mean that it does not deserve our Notice, not even as it is altered by Mr. Daniel; especially when the Claim hath been much better made out before by the Record itself. Livy is said to be very remarkable for putting

* Biondi's Henry VI. p. 1720

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putting fine Speeches into the Mouths of his Heroes and King Heavy VI-Senators: but the Nonsense and Stupidity of this makes it impossible to come from any Body but the Historian himself ". Besides, John Whethamstead, Abbot of St. Alban's, a Contemporary, (and probably, by his Station, in the House of Peers at that Time) makes no Mention of any such Speech in the History he wrote of this Reign. and particularly of this Revolution .

The French Jesuit who wrote on the English Revolutions, indeed, has put a Speech into the Duke's Mouth on this Occasion, not unworthy either of the Speaker or the Author, for fuch we suppose him to be; which, fince it comes within the Compass of our Delign, well

deserves a Place in these Inquiries.

It was supposed by the Parliament, says that Historian. that the Duke would now take off the Mask; but they were perfectly convinced of it by an open Declaration which he himself made to them the first Time he enter'd the House; for, being seated on the Throne, without asking Leave of any one, he spoke as follows y:

COU all know very well, fays he, that the Throne His Speech to whereon I fit hath been usurped from my Ance-the Parliaments

ftors; and you cannot be ignorant by what Crimes those, who had it full fixty Years, have kept Pos-

fession of it. Henry IV. embrued his Hands in the Blood of Richard II. and Henry V. destroyed my

Father. But we will spare the Remembrance of these

Things, which can only ferve to ftir up a Breaft dif-

oposed to take that Vengeance, which I will sacrifice to

the Public Good. Whilst the House of Lancaster did

As an Instance, in the first Paragraph of it is this notable Expression and Metaphor: This noble Realm, and our natural Country, shall never be unbuckled from her daily Fever, except I, as the principal Physician, and you, as the true and trusty Apothecaries, consult together in making of a Pocion, and try out the clean and pure Stuff from the corrupt and putristed Drugs. Hall's Chron. Fol. clxxvii.

See Holling freed also, p. 655.

The History of Croyland, near contemporary with these Times, seems to fay that the Duke of York did make his Claim in the House by Word of Mouth; Accedens ad Thronum Regis, Sedem illam wendicavit tanquam suam, describens Genealogiam suam tintaliter, &c. Hist. Croyland. Contin. 550.

The last Act of State which Henry did, or was commanded to do, was to grant a Commission to Edward Duke of York, after his Father Richard was flain at the Battle of Wakefield, for raising Forces to fight against his Queen and Son. Dated Feb. 12, 1461, at Westminster. Rymer, Tom. X.

7 Pere D'Orleans Hift, de Revol, d'Ang, Tom. II. p. 218. Ed. Paris.

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King Hairy VI.6 no other Hurt but to me and mine, I thought myfolf
well recompensed by the Honour which accrued to the
Nation, in subduing so many great and fine Provinces
to the English Sceptre. I little regretted the not being
a King, whilst you had a Monarch who well deserved
to have been one; but at this Time, when a weak,
seeble Heir to that happy Usurpation keeps from me a
Crown, and loses those Conquests which have cost you
so much Blood, I should be unworthy of that of so
many Kings which runs in my Veins, if, to recover
those Conquests, I do not take the Crown. Aid me
with your Assistance to support the Weight, and you
shall partake with me in the Advantage of it.

Our Historian goes on, and tells us, That the Countenances of the House, during the Time the Duke was speaking, and their profound Silence at the End of this Harangue, appeared to that Prince a sure Token that the Crown on Henry's Head was not so loose as he imagined. Greatly chagrin'd, he lest the House very abruptly; and in a Passion said to them, at his going out, Think of this Matter.—I have taken my Course, take you yours! While these Things were doing, many hot Disputes

passed between the Lords Spiritual and Temporal and Debate upon the the Commons, about the Settlement of the Crown. Duke of Tork's Some thought it very unreasonable to call King Henry's Title in Question, who had been so long in Possession of

Title in Question, who had been so long in Possession of the Sovereignty; and fo much the rather, because the Duke of York himself had, in swearing Allegiance to King Henry so often, and declaring him his lawful Sovereign, tied up himself from claiming the Crown, if he had any Right to it. But, on the other Side, the Duke of York's Friends, which were not a few, argued, That the Duke's Title was fo clear, and fo well known to them all, that it would be the greatest Injustice in the World to deny him his Right; and tho' King Henry, it is true, had been long in the Possession of the Throne, yet his Usurpation being so evident, he ought to be as willing to recede from what he was wrongfully possessed of, as they were in Justice bound to declare him deprived. Twas true, they faid, the Duke of York had often fworn Allegiance to King Henry, and taken him for his lawful Sovereign, yet he never renounced his Right, and 'twas

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blain his Oaths and Promises were out of Fear or Force, King Henry VI.

and not willingly 2.

Another old Historian hath drawn up the Arguments made Use of in Favour of the reigning King and the House of Lancaster, in a much better Manner; and says, That though the Effect of the Duke of York's Title, as to the Points of Pedigree, was very true, yet the Friends of King Henry, without denying what could not be denied, had somewhat to say for him; and, amongst other Things, they alledged a, 'That Richard II. refigned up his Crown and Regality at large; and that none else making Claim but Henry Duke of Lancaster, he was thereunto, by Confent of all the Three Estates, admitted. That Richard Earl of Cambridge was, for High Treason, attainted and executed, and his Issue made incapable of any Inheritance; that this Richard his Son, now challenging the Crown of England, being restored by the meer Clemency and Goodness of. this King Henry VI. had voluntarily acknowledged him for his lawful Sovereign, and fworn the fame; and that the faid Richard was finally, for Treason, atstainted and adjudged uninheritable. They alledged also several Acts of Parliament made to establish the Right of the Lancastrian Line; the Succession of three Henries, that is to fay, the Fourth, Fifth, and Sixth; the politic Government of the first of those Kings, the * noble Victories of the second, and the holy Life of the third; which three Kings' Lives contained in reigning e near threescore Years, in which Number this was the 2 30th of Henry VI, who was descended from the Uncle; and the Duke of York but from a Female, of which * Females none had ever been in Possession of the Crown.

These great and weighty Points, adds our Author, were considered, and the rather, because that King Henry being at that Time no better than a Prisoner, no Act of his to establish the Title of the House of York could be so valid as to disinherit his own Son; who was then at

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2 Whilst this weighty Affair was debating in the Lower House, which was the then Fratry, as it is called, in the Abbey of Westminster, a Crown, which hung for Ornament from the Roof, suddenly fell down; and at the same Time another Crown, placed for the same Purpose on Dover Castle, fell likewise. These Omens were vulgarly construed that King Henry's Reign was at an End, and that the Crown should be transfeired from one Royal Line to another.

2 Speed's Chronicle.

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King Henry VI- Liberty, and, with the Queen his Mother, in Arms, ready to free his Father, or hazard the Destruction of the whole English Name. To all these Arguments the Yorkists objected one Rule of Law, which was, Jura Sanguinis nullo Jure Civili dirimi possunt.

However, the Arguments, pro and con, being thought strong on both Sides, & Medium was hit upon, and thought proper by the Lords, in order to avoid a Difpute less amicable. And, on All-Saints-Day, Nov. 1, an Award, or Agreement, was fettled between these two Princes, King Henry and Richard Duke of York, under

The Lords in Parliament make an Award between the King

these Articles :: I. 'That notwithstanding the clear and undisputable and the Duke of Title of Richard Duke of York to the Crown of Eng-

6 land, as Heir to Lionel Duke of Clarence, the faid Duke tenderly desiring the Wealth and Prosperity of this

Land, and to lay afide all that may be a Trouble to the fame; and confidering the long Poffession of the

' faid King Henry, who hath all his Time been named,

taken, and reputed, for King of England, and Lord of Ireland, it is consented, and agreed to, that the said

* King Henry shall be taken and reputed King of Eng-

* land, and Lord of Ireland, during his natural Life,

and the faid Duke shall honour him as his Sovereign

Lord.

II. 'That the faid Richard Duke of York, with his two Sons, Edward Earl of March and Edmund Earl of • Rutland, shall promise and bind themselves, by solemn

Oaths, neither to do, procure, or fuffer any Thing to the Prejudice of the natural Life of King Henry VI.

or to the diminishing of his Royal Dignity; but shall withstand, to their utmost Power, any Person that shall

attempt it, as God shall help them.

III. 'That Richard Duke of York shall, from thenceforth, be called and reputed the very and rightful Heir to the English Crown; and, after the Decease of the faid King Henry, the faid Duke and his Heirs shall im-· mediately succeed to them.

. IV. 'That the faid Richard Duke of York shall have,

by the Authority of this present Parliament, Castles,

Manors, Lands, and Tenements, with their Appurtenances, to the yearly Value of 10,000 Marks, over

and c Sam. Daniel in Kennet, p. 424. Holling. p. 657. Stowe, p. 409.

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- and above all Charges and Reprizes; of which 5000 King Henry VI.
- Marks shall be for his own Estate, 3000 for the Earl of March, and 2000 for the Earl of Rutland; yet with
- fuch Intents and Confiderations as shall be declared by

the Lords of the King's Council.

V. 'That if any Person imagine or compass the Death of the faid Duke, and thereof be convicted, they

fhall be adjudged guilty of High Treason.

- VI. 'That the Lords Spiritual and Temporal, and Commons in Parliament affembled, shall take an Oath
- to accept, take, worship, and repute the said Richard
- Duke of York and his Heirs, as abovefaid, and the faid • Duke shall protect them in keeping this Agreement.
- VII. 'That this Accord and Agreement shall be notified and published by the King's Letters Patent, and
- his Consent and Agreement be openly declared to all
- and every one of them; and if the faid King Henry fhall break, or go against, any Point of this Accord,
- then the faid Crown and Royal Dignity shall imme-
- diately devolve and come to the Duke of York, if he

be alive, or to the next Heir of his Lineage.

VIII. 'That all Statutes and Acts of Parliament made in the Time of Henry IV. or V. to entail the Crown

on their Heits, shall be annulled and repealed.

IX. That the Duke of York shall be Protector of the Realm for the future, and be called Prince of

Wales, Duke of Cornwall, and Earl of Chefter.'

This Agreement, drawn up in the Form abovefaid, was ingroffed, fealed, and fworn unto by both Parties on All-Saints-Day; and then it was enacted by the Parliament, That it be made unalterable on all Hands. King Henry was observed to be very much pleased with this Agreement; not doubtless because he was willing his Son should be excluded from the Crown, but because he seared more severe Dealings with himself, and hoped Time would better provide for his Son; and therefore appointed a folemn Procession the same Day, to give Thanks to God for this peaceable Settlement of Affairs. The King rode to the Cathedral Church of St. Paul, attended with the Duke of York, Earls of Salisbury and Warwick, and many other Lords, with his Crown upon his Head, and heard Even-Song, and X 2

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King Henry VI. then returned to the Bishop's Palace, where he continued fome Time.

The next Day Richard Duke of York was, by Sound of Trumpet, folemnly proclaimed Heir Apparent to the Crown of England, and all his Progeny after him; also Lord-Protector of the Nation during the King's Life 4.

We cannot avoid giving here a Reflection, from a much later Historian, on this Crisis of English History,

Remarks there-

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as remarkable as any is to be found in that celebrated Writer. After a very short Abstract of the Articles, he adds, 'That every likely this Agreement did not come up to the Duke of York's Expectation: He was contented, however, because he perceived it would be very difficult to obtain more without open Force. It cannot be denied that he behaved with a Moderation very uncommon in such Cases: In his present Circumstances, and according to the Rule generally followed by Parliaments, to declare for the strongest, nothing was more easy for the Duke than to cause the Crown to be adjudged to him immediately. He had at his Command a victorious. and at that Time irrefistible, Army: Besides, most of the Members of Parliament were in his Interest; and probably, after acknowledging his Title to be indifputable, they would not have wanted much Sollicitation to proceed one Step farther, and place him on the Throne. It is therefore manifest, if the Parliament shewed any Regard for Henry, it was because they thought themselves at Liberty to use this Equity, notwithstanding the victorious Army which might have offered them Violence, if the Duke would have made Use of his Advantages. It must be farther observed, that the Duke of York was older than the King, and therefore naturally could not expect to outlive him; and yet those who have writ the History of these Troubles have put an ill Construction upon all they have said concerning this Prince; the Reafon may be easily guessed.' The House of York enjoying the Throne but twenty-four Years, we have no Hi-

ftorian in that Interval; all we have being later, and written fince the Restoration of the House of Lancaster in the Person of King Henry VII. This must be always remembered in reading the History of these Civil Wars.

But

d Fabian's Chron. Anno 1461.

Rapin's Hiftory of England, Folio Edit. p. 385.

But, to put the last Hand to this Affair, the Duke of King Henry VI. York was very desirous that the Queen and her Son should also be present to ratify the Treaty. The King wrote to them both to come up, but he soon found the Spirit of that sierce Princess otherways disposed than his own: In short, she absolutely resuled to obey; and having an Army with her of 18,000 Men, with the Dukes of Somerset and Exeter, the Earls of Wiltsbire and Dewonshire, the Lord Clifford, and a considerable Party of the Northern Nobility, she hoped to manage better for their common Interest than her Husband had done.

The Duke of York being apprized of the Queen's Re- [309] folution, and the Preparations she had made to preserve Another Army the Crown to her Son, marched down his Forces into raised by the the North; and, leaving King Henry to the Care of the Queen. Earl of Warwick and the Duke of Norfolk, advanced, with the Earl of Salisbury, as far as Wakefield. He had given Orders to his Son, the Earl of March, to follow and join him with what Forces he could raise; and, till their Arrival, fecured himself and his small Army in the Castle of Sandal, near the Town aforesaid. The Queen well knew that she had no Time to lose, and therefore came herself in Person, at the Head of her Army, to attack the Duke before his Son could come to his Affiftance. The Duke was scarce 5000 strong; but his great Courage was the Occasion of his Ruin, for scorning to be cooped up in a Castle by a Woman, contrary to the Advice of the Earl of Salisbury and other old Officers. he ventured to give her Battle; where, being overpowered by Numbers, he bravely fell, and his small Army were cut in Pieces. With him was slain also the Earl The Duke of of Salisbury, with many more of Note; but none is so others slain; remarkable as the Death of the young Earl of Rutland, fcarce twelve Years old, who was butcher'd by the Lord Glifford after the Battle was over, because he had the Misfortune to be Son to the Duke of York.

The Heroine Margaret was much elated at this Victory, and the Death of her greatest Enemy: She first ordered his Head to be struck off, crowned with Paper in Derision, and, with the Heads of the Earl of Salifbury and others, set on one of the Gates of York; then marched Southward with her victorious Army to deliver her Husband; and, in a new Parliament, to get the late X3

The Parliamentary HISTORY

King Heary VI. Accommodation with the House of York annulled and set aside. For some Time longer Fortune was her Friend; she deseated the Earl of Warwick near St. Alban's, retook the King, and marched for London with her Forces, in order to complete her Design. But

ban's, retook the King, and marched for London with her Forces, in order to complete her Design. But hearing that the young Earl of March, now Duke of York, had beaten the Earl of Pembroke in Wales, and was marching towards her, joined with the Earl of Warwick and his scatter'd Troops, the changed her Rout and went Northward, not having any Confidence, in Case of a Battle, in the Londoners, or her Southern Subjects. Edward, being informed of this, marched directly for the Capital, where he was joyfully received; and having affembled all the Bishops and Lords that were in Town, along with the principal Citizens, like Alexander, he cat the Knot at one Stroke, which his Father had so long been endeavouring to unloofe. In short, in that Assembly he claimed the Crown, first by an undoubted hereditary Right, and next by an Infraction of the seventh Article in the Accord made between Henry and his Father in the last Parliament, which the said Henry had broke. The Affair was pushed so warmly, that he was,

But his Son Ed- upon the Spot, declared King, by the Name of Edward proves vic-ward IV. March 4, 1461, being then just twenty Years torious, and is of Age. The next Day he made a folemn Procession through the City, first to St. Paul's, and next to Westminster Abbey, and was proclaimed King by the Title

aforefaid, with the usual Ceremonies.

EDWARD

TDWARD having thus obtained the Title of King, K. Edward IV. L Vi & Armis, as it were, had yet much to do to get Possession of the Crown; for the heroic Margaret was still at the Head of an Army, composed of all the Forces belonging to the Red-Role Party, fighting for a King who had been long recognized as such, and which had been twice victorious in, what was then call'd, the Royal Edward, therefore, had no Time to lose; he knew very well that he had no other Way to secure London, but to leave it immediately, and march towards The Queen was then in that City, and hearing of his Approach, the fent out her Army, commanded by the Duke of Somerset, the Earl of Northumberland, and the Lord Clifford, to meet him. Some Advantage was gained by these Generals at first, by the Surprize of the important Post of Ferrybridge; but the Yorkists having quickly regained it, they marched over the River Ayre, and met the Bulk of the Queen's Army drawn up The fatal Battle in Order of Battle, in the Fields near a Village called of Towton, Towton, about two Miles South-West of Tadcaster.

It is not to our Purpose to enter into the Particulars of this bloody Engagement; the greatest and most obstinate that, to this Day, was ever fought in this Island. It is sufficient to say that Edward was victorious, after the Slaughter of above 36,000 Englishmen on both Sides. who then fell by each other's Swords. King Henry, his - Queen, and Son, fled into Scotland; and Edward marched into York, where he foon took down the Heads of his Father, the Earl of Salisbury, and others, which had been put over one of the City-Gates; and placed in their Room the Heads of some of the most mortal Enemies of his House, who were taken or flain in the Battle.

Edward staid some Time at York, to fix the Northern Provinces more fully in his Interest; and, leaving every Thing quiet in those Countries, he returned to London, and was solemnly crowned soon after at Westminster, with the usual Ceremonies. Then, to settle all other Matters of State on the most lasting Foundation, he A Parliament fummoned a Parliament, by Writs dated at Westminster, call'd. May 23, to meet at the same Place on the 6th Day of July following: But because the King of Scots was entered into England with an Army, in Favour of King Henry,

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K. Edward IV. Henry, Edward and his Council thought proper to postpone the Meeting of the Patliament; and, by other Writs, dated July 26, the same Peers were summoned to appear at Westminster on the 4th Day of November following f. The former Writ of Summons, directed to Thomas 8 Archbishop of Canterbury, is in the usual Stile with the rest of the Bishops, Abbots, and Priors, as well as the Temporal Lords; but the Names of the latter, in this first Parliament after so great a Revolution, may not be unacceptable to a curious Inquirer.

The KING to his dearly-beloved Coufin,

John Duke of Norfolk, Fohn Lord Stourton, of The Names of the Peers. Richard Earl of Warwick Stourton, and Sarum, William Bourchier, Lord John Earl of Oxford, Fitz-Waryn, William Earl of Arundele, Henry Bromflete, Lord Vef-Ralph Earl of Westmore-Sey, [313] Ralph Lord Boteler, of land, Henry Viscount Bourchier, Sudley, Edmund Lord Grey, of Ru-Thomas Lord Gray, thin. Rugemond, Fames Lord Berkeley, John Lord Sutton, of Dud-George Lord Latimer. Ralph Lord Grayflock, William Fynes, Lord Say, Richard Fynes, Lord Dacre, William Lord Bottreaux, Fohn Lord Beauchamp, William Nevile, Lord Fau-John Lord Audley, conberg, Thomas Lord Scroope, of John Bourchier, Lord Bar-Masham, Richard Welles, Lord Wil-John Lord Clinton, John Lord Lovel, loughby, Sir Henry Fitz-Hugh, Edward Nevil, Lord Ber-Sir Henry Grey, gavenny, Sir Richard West, Edward Brook, Lord Cob-Sir Thomas Stanley,

> Besides these Lords, &c. other Writs were directed to fummon the twelve Judges there named, and, in the Writs

tacute.

Reginald Lord Gray, of

Wilton.

Sir John Nevile, Lord Mon-

f Dugdale's Summous to Parliament, Anno I Edward IV. W. Prynne, the Publisher of Cotton's Abridgement, has made sad Mistakes in the Dates of these two Writs.

E Bourchier. Le Neve's Fasti Ecc. Ang.

Writs for altering the Time from July to November, K. Edward IV.

seven are called to sit in the House of Peers h.

The Parliament met at the Time and Place last ap- Anno Regni Li pointed; when, in the Presence of the King sitting on the Throne, and of the Lords and Commons, George 1 Bi- At Wohmin Bate. Thop of Exeter declared the Cause of the Summons in a notable Oration, taking for his Theme Bonas facite Vias vestras & Studia vestra. After which he ordered the Commons to chuse, and the next Day to present,

their Speaker.

The Clerks of Parliament about this Time frequently omit a Transcript of the Lord-Chancellor's Oration. and only fay, Gollocatione per prefatum Cancellarium notabiliter facta & completa, idem Cancellarius, &c. which we lofe, no doubt, a good deal of curious History; for though some of these Speeches are meer Sermons, yet there are others of them, as the Reader may have observed in the Course of this Work, which convey the Reasons of State for calling of Parliaments from Year to Year, and cannot but be very interesting to this Subject; as, without Question, what this Chancellor declared, at this critical Time, must have been the same.

The Receivers and Triers of Petitions for England, Ireland, Wales, and Scotland, with Gascoigny and the Isles, being, according to antient Custom, appointed, on the third Day of their Sitting the Commons presented to Sir JAMES the King Sir James Strangewaies, Knight, to be their STRANGE-Speaker; whose Excuse being rejected, he, with the wares chosen Speaker. common Protestation, was allowed.

Though we are left short in the Lord-Chancellor's Speech at the Opening of this Parliament, yet we are not so in one made to the King by this new Speaker of the Commons; for we find, on Record, that, on the 12th Day of November, or the 8th of this Session, Sir James Strangewaies, at the Head of the Commons, came before the King and Lords, and there spoke, or read, the Declaration following; which, for the Singularity of it, having never met with such an Affair before, we give in its own Diction and Orthography.

b Cum Prelatis, Magnatibus, & Proceribus dicti Regni Colloquium babere & Trastatum. Summonitiones ad Parliamenta, 1 Edward IV. i George Nevile, Brother to the famous Earl of Warwick, afterwards Archbishop of York. Le Neve's Festi, &c.

K. Edward IV.

Moost Christen Kyng, right high and myghty Prynce, and our aller moost drede Soverayne, and naturall Liege Lord.

His Speech to the King in Parliament.

The your humble and true Subgetts, the Commyns of this your noble Reame, comyn to this your high Courte of Parlement by your high Commandement, have as grete Cause to calle, and calle to the Tendernesse of our Mynde, as ever had People lyvyng under eny Christen Prynce, the honorable and noble Devoir that it hath pleased your Highnesse to put the same in of pryncely and knyghtly Prowesse and Corage for the Redempcion of your seid Reame and Subgetts from the Persecucion and Tyrannye of your and theire grete and insaciable Ennemytees.

s and theire grete and infaciable Ennemytees. For the first; where, incontynent after the pitouse and dolorouse Deth of that noble and famous Prynce, s and our right honorable Lord, of worthy Memorie, your Fader the Duc of York, very and rightful Heire, and, in Right, Kyng of the faid Reame, the Erles of * Pembroke, and Wilteshire gadering and accompaynyng towarde theym a grete Nombre of Men of guerrable Array, to have removed out of the Marches of Wales f into the North Parties, to have there affisted Margarete, late called Quene of England, hir Son Edward, the Ducs of Excestre and Somerset, and other Lordes, purpolyng to have proceded to the Destruction of your feid Reame and Subgetts, it pleased your high Mageste, though all the Sorrowe and Lamentation for the Deth f of the feid noble and famous Prynce was not a little in your noble and naturall Remembrance, to adjoine your mooft noble Persone, of knyghtly Corage, accord-5 yng to the Nature of your high Birth, and the tender Ele and natural Love that your feid Highnesse bare unto the Defence and Tuition of your feid Reame and Subgetts, and to the Relistence of the maliciouse Enf tent and Purpole of the feid Erics, and to procede of pryncely Prowesse agenst theym in Bataille; uppon whom it pleased Almighty God to graynt unto your feid Mageste the Hande of Victorye, chasyng uppon theym untyll they were dryven of Drede of your feid · Nobley

Rot. Parl, 1 Edward IV, No. 7.

Nobley into the Confynes and Corners of your-Lord-K. Edward IV.

fhip of Wales, to the grete and grounded Joye and

* Consolacion of your seid Reame and Subgetts.

For the secunde; where the grete Laboure and * Payne that it pleased your good Grace to take in that and worthypfull Journey asked, after that of Reason, natural Rest and Ease of Restreshment; vit * natheless at suche Tyme as the seid Margarete, Ed-* ward hir Son, and Dukes and other Lordes abovefeid. se commyng from the North Parties of your feid Reame. destroying and spoiling the same in their Commyng, neither sparyng Godd's Chirch, the Violacion there-* of, his Ministers of the same, ravyshyng and defoulvnge religious Wemmen, Maydens, Wydowes, and Mennes Wyfes; sheyding, in Manner of Tyrannye, immense Blode, entendyng to the fynall and extreme Destruction and Subversion of your seid Reame, apperyng experiently by their cruell Violence; it please vour Magnificence, of the Plenteth of Tendernesse that ye bare to your feid naturall Subgetts, to forget and leve away the Werynesse that grew by the seid Laboure in the seid Felde, and the Ease that Reason wold ye shuld have used conveniently therby, and with all Celerite advaunced your feid mooft noble Perfone to your Cite of London, for the Socour, Relef, and Iov therof, and the Redemption of the feid Reame.

For the third; where, at your commyng to your • feid Cite, it pleafed your noble and benigne Grace, of the Plenteth of Tendernesse that it pleased unto the fame to bare of naturall Love unto your feid Subgetts, havyng their Defence and Suertee in herty and piteous Affection, and their lamentable Exclamation therof in the Nyhnesse of your gracious Benyvolence to take uppon you, to the Pleasure of Godd, and the infinite and affured Joy of all your feid Subgetts, the Reigne and Governance of the feid Reame, wherunto ye be right wifely and naturally borne; and, with all resonable convenient Hafte, to remove from thens toward the feid North Parties, arreyng, armyng, and ledyng your Batailles, lyke a victorious Prynce, for the Defence and Salvacion of your feid Reame and Subgetts agenst byour Adversarie Henry, late called Kyng Henry the Sixt; and his Power not oonly of your Rebelles, but

Edward IV. also of Scotts and Frenshmen, your Ennemyes, whome he sturred and reteyned to assist hym, arreyed and armed, agenst your seid Mageste; the which not sparyng for any Jopardie, Perill, or Aventure, joyning vour moost noble Persone to the seid Desense and Salvacion knyghtly of pryncely Corage recountred the feid Power of your feid Adversarye in your Shire of York, on Palme-Sonday last past, where Bataille was e geven and made agenst your seid Magnificence, wherunto therin it pleased Almighty God to send to you his Grace of Eviccion and the Hand of Victorie agenst vour seid Adversarie, Ennemyes, and Rebelles; whome, without any longer Rest within your seid Reame, the Drede of your mighty Power, and of the Renowne of your knyghtly and pryncely Prowesse, drove and chafed out of your seid Reame into the Parties of Scot-

I land. 6 Moost Christen Kyng, right high and myghty • Prynce, and our aller moost drede and naturall Soverayne and Liege Lord, the noble and condigne Merites, pryncely and knyghtly Corage, in the grete and victoriouse Acts afore rehearsed, the Beaute of Personsage that it hath pleafed Almighty God to fend you, the Wyldome that, of his Grace, is annexed therunto, and the bleffed and noble Disposition and Application of your feid Highnesse to the commyn Wele and Po-· licie of your feid Reame, and to Godd's Chirch of the fame, calleth upon us to give therfor as herty and entier Lovyng to Godd as we can; and with all Hum- blenesse possible thanke your good and benigne Grace • shewed to our feid Redempcion and Salvacion in Manf ner and Fourme afore declared. And fith that our Lord, of his infinite Myght, hath called your feid high and nobley to reigne uppon us your humble Subgetts, • according to your natural! Birth, to our grettest Joye • and Consolacion erthly, and hath geven unto you the • Victorie of your feid Ennemyes, we havyng our fingu-Ier Felecitee and Suertee in that concerneth the perfitte Suertee of your moost noble Persone, and the long Contynnance of your Reigne uppon us, and as desirouse as eny Christen Subgetts to know and understand the Doubte, Perills, and Inconvenience of the contrarie to • be removed, biseche, as lowly as we suffice, your Mageste Roiall to have and take such Persones as have, of K. Edward IV.

approved Experience, adjoyned their Bodyes and Lyves

to this Recoveree of your ancyen Title and Right of your feid Reame of England, and to the entreteignyng thereof against your feid Adversaries and Ennemyes, in

fuch Favoir, Truft, and Affection of your feid good

Grace, as accord with their condigne and approved

Merites; and other Persones in such wise and prudent

Trust and Affection as accord with the assured Prosperite of your high Estate above all enthly Thinges.

defired of all as your true Subgetts.

And that, as in the Time of the usurped Reigne of your seid Adversarie Henry, late called King Henry the Sixt, Extorcion, Murdre, Rape, Effusion of innocent Blode, Ryot, and Unrightwisnesse were commynly used in your seid Reame, without Punicion, we held for certeyne and undoubted, that it wol please your seid good Grace to preferre all Thyng that may serve to the feid commyn Wele, to the Exercise of Justice and Rightwisnesse, and to punish the grete and horrible Offendours, Extortionours, and Riotours, and have Pite, Compassion, and Mercy uppon the Innocents to Godd's Pleasure; to whome we besech to contynne and prosper your noble Reigne longe uppon us your true and lowly Subgetts, in Honour, Joye, and Felicite.'

The next Thing we find that was done in this Parliament, was to read a long Declaration of the King's Title to the Crown; containing, in Effect, what his Father had delivered to Parliament the 39th of the last Reign. To which was added a Recapitulation of the tyrannous Reign of Henry IV. with his heinous mur-

dering of King Richard II. &c.

After this an Act was passed, by the general Consent of both Houses of Parliament, That King Edward IV. was, and is, undoubted King of England, from the 4th The Reign of Day of March then last past, when all the Estates yielded Henry IV. declathemselves obeisant Subjects to the said Edward IV. and red to have been his Heirs for ever; affirming the Reign of Henry IV. to and his Family have been an Intrusion and Usurpation. It was also endishmerited. acted, That King Edward IV. was seized of the Crown and Profits of the Realm of England, from the said 4th Day of March, in such Sort as King Richard II. enjoyed

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**Edward IV. the same in the 23d Year of his Reign. In which Act are many Provisoes, and one general Provision for all Men's Rights, except those who claim by Grants from Henry IV.

Henry V. and Henry VI. 1. The said Henry of Derby; otherwise called Henry IV. and the Heirs of his Body coming, are, by this Act, utterly disabled to enjoy any Inheritance, Estate, or Profits within this Realm or Dominions of the same for ever. And thus, says an Historians.

Inheritance, Estate, or Profits within this Realm or Dominions of the same for ever. And thus, says an Historian, it is remarkable that the Law in this, and in the Attainder that followed, reached Henry, even under the Shelter of a King de Factor.

Then a whole Recital of the Concord, or Agreement, made between Henry VI. and Richard Duke of York, Anno 39 Henry VI. was read, and the Breach of it, by fundry Means, was declared. By which Breach it was also declared, That King Edward IV. was discharged from the said Concord, and that no Article of it should

bind him, as King, to that Agreement.

Next follows a long Bill of Attainder of divers Perfons, for the Death of Richard Duke of York and others;

Attainders with particularly Henry VI. Margaret late Queen of England,

Edward called Prince of Wales, Henry late Duke of

Somerfet, and Henry late Earl of Northumberland. Reci-

ting, that William Lord Bonevile, and Sir Thomas Kyriel, Knights of the Garter, and Sir William Gower, Knt. Standard-Bearer to Richard Duke of York, were, against

Law, beheaded and murdered.

Another Bill of Attainder was passed against Thomas Courtney, late Earl of Devonshire, Thomas Lord Roos, John late Lord Nevile, Baldwyn Fulforth, Alex. Hodie, Nicholas Latimer, James Lutterel, Edmund Mountfort, Thomas Fyndern, Henry Lewis, John Heron of Ford, Richard Tunstal, Henry Bellingham, and Robert Whit-

I The Act of Parliament, which is very long, bears this Title amongst the Statutes at large, viz. Which Acts, done by King Henry IV. V. and VI. or by others, during their Reigns, shall continue good, and which not, cap. i. The Preamble runs thus: For the schewing of Ambiguities, Doubts, and Diversities of Opinions, which may rise, entire, and be taken of and upon Judicial Acts, and upon Exemplifications of the same made or had in the Time or Times of Henry IV. Henry V. his Son, and Henry VI. his Son, or any of them, late Kings of England successively, in Deed and not of Right, Sc.

There is only another Act in the Statute-Books made this Parliament, which was, That Justices of Peace may award Process upon Indictments taken in a Sheriff's Tourn, Anno 1 Edward IV. cap. ii.

m Collier's Ecclefiaftical Hiftory, Book VII. p. 679.

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tingham, Knights; Andrew Trollop, late of Guysnes, Esq; K. Edward IV. with many other Esquires, Gentlemen, and Yeomen,

there named, for being at the Death of the Duke of York at Wakefield, the 30th Day of December last past. And

Henry Duke of Exeter, William Viscount Beaumont, John law Lord Clyfford, Leonard Lord Welles, Thomas Grey, late Lord Rougemont, Randolf late Lord Dacre, Humphrey Dacre, Philip Wentuarth, William Rawkesley, Edmund Hampden, Thomas Findrey, John Courtney, John Ormond, alias Botler, William Milley, Simon Haynes, William Holland, called the Bastard of Exeter, Thomas Ormond, alias Botler, Thomas Everingham, Henry Roos of Rockingham, with several other Esquires, Gentlemen, Yeomen, and Priests, were attainted for being against King Edward IV. the 20th of March last, being Palm-Sunday, in the Fields called Saxton Fields, and Towton Fields, in the County of York.

King Henry VI. Queen Margaret, Prince Edward, and some others, there named, are attainted for delivering up the Town of Berwick to James King of Scots, on the Feast of St. John the Evangelist last past: Likewise for practising to deliver up the Castle and City of Carlisle to the Scots. And the last-named Persons, with Jasper Earl of Pembroke, James Earl of Wilts, Robert Lord Hungerford, with certain Priests and Friars, were also attainted, for procuring foreign Princes to invade

the King and Realm.

Henry VI. with certain Persons afore-named, John Fortescue, William Talbois, and other Esquires, Gentlemen, Priests, and Friars, were attainted for being in the Field against King Edward IV. in the Bishopric of Durbam, the 18th Day of June last past. And the Duke of Exeter aforesaid, Jasper Earl of Pembroke, and others, were attainted for raising War against the King at Tutebill, near Garnarvon, in Wales, on Friday next after the Feast of St. Edward last past.

The Attainder and Forseiture of all and singular the Hereditaments of the aforesaid Henry VI. and namely of all the Land belonging to the Duchy of Lancaster; that the said King Edward IV. shall hold the said Duchy and County Palatine of Lancaster, to him and to his Heirs Kings of England, with all Offices and Liberties to the same belonging, separate from the Crown; and that the

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Tenants

K. Edward IV. Tenants of the faid Duchy do enjoy all their Liberties, in such wise as when Henry VI. held the same on the

3d Day of March laft.

After passing all these Bills of Attainder and Forseitures, the Parliament went upon Acts of Restitution; and the whole Process of Judgment, as well by Parliament as otherwise, against Richard Earl of Cambridge, and several others, was utterly made void and repealed. The like Judgment in Parliament against John Montague, late Earl of Salisbury, and Thomas Lord Despenser, was made void; and Richard Earl of Warwick, and Ann his Wise, the Daughter of Isabel, Daughter and Heir to the said Thomas, in Right of the said Ann, was restored to all the Hereditaments of the said Thomas. Also Alice Countess of Salisbury, Daughter to Thomas Montague, late Earl of Salisbury, Son of the said John, was restored to all the Hereditaments of the said John. Lastly, Tho-

These were all, or most of, the Acts and Ordinances which passed this Parliament. At the Close of the Seffion, on the 21st Day of December, the King came to the House, and, sending for the Commons after they had given their Assent to the Attainder Bills and the rest.

mas Lumley, Knt. Son to Ralph Lumley, Knt. was also restored to all the Hereditaments of the said Ralph, and

addressed himself to them as follows n:

the Judgment against him made void.

JAMES STRANGEWAYES, and ye that be commyn for Common of this my Lond.

King Edward's
Speech to his
have had to my Right and Title, that y and my Anfirst Parliament. cestres have had unto the Coronne of this Reame, the which
from us have bene long Time withelde; and nowe, thanked be Almyghty God, of whos Grace groweth all Victory,
by your true Hertes and grete Assistance, y am restored unto

That that is my Right and Title, wherefore y thanke you as
hertely as y can. Also for the tender and true Hertes that
ye have shewed unto me, in that ye have tenderly had in
Remembraunce the Correccion of the horrible Murdre and
cruel Deth of my Lord my Fader, my Brother Rutland,

n Ex Ore suo proprio taliter est allocatus. Rot. Parl, 1 Edward IV.

and my Cosyn of Salysbury, and other, y thanke you right

bertely, and y shall be unto you, with the Grace of Al-K. Blood IVe mighty God, as good and gratious Sourraign Lord at ever was eny of my Noble Progeniteurs to their Subgettes and Liegemen: And for the feithfull and lovyng Hertes, and also the grete Labours that ye have borne and sustend to wards me, in the recovering of my suid Right and Title which y note possesses, y thanke you wish all my Herte, and if y had eny better Good to reward you withall then my Body ye shuld have it, the which shall alway be redy for your Defence, never sparing nor letting for noo Jeopardie; praying you all of youre berty Assistant and good Contynuance, as y shall be unto you youre veray sightwisse and lovyng liege Lord.

After the King had ended his plain, but honest, Speech, the Record tells us that the Lord-Chancellor stood up and declared, That since the whole Business of this Parliament was not yet concluded, and the approaching Festival of Christmas would obstruct it, he therefore, by the King's Command, prorogued the Parliament to the 6th of May next ensuing. At the same Time he told them, the King had put out a Protlamation against giving of Liveries and Badges, contrary to Law, also against Maintenances, Robberies, and Murders; all, and every of which, the Bishops, Lords, and Commons there present, promised to obey, and to see observed throughout the Kingdom.

These were the Transactions of this first Parliament called by this King, as they fland on Record; and of which few or none of our Historians have taken any Notice. The History of Croyland, indeed, near contemporary with these Times, observes, That Edward having gained the last Victory near Tadcaster, kept his * Easter at York with great Splendour; and having fet-* tled all Things to his Mind, for the Preservation of the North, he returned to London, where he was foon after crowned at Westminster: That in a Parliament, called immediately after, almost every Act of State, that had been done by three preceding Kings, was refumed or annulled: That all the Coin of the King-, dom, both in Gold and Silver, was changed and new firuck, that, at length, the very Name of Henry might be blotted out: That, by the Act aforefaid, two Char-

* ters of Possessions and Liberties granted to their Abbey

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by.

K. Edward IV. by King Henry V. and VI. were rendered absolutely

invalid: And that, in those Days, the Kingdom was reduced to Obedience, for which Mercy, granted from

· Heaven against its Enemies, Thanksgiving to Almigh-

ty God was rendered by every one o. Mr. Habington, in his Life of King Edward IV. fays, That at his Coronation, being feated in the most perspicuous Place of the Great Hall at Westminster, he himself made an open Declaration of his double Title to the Crown: 'First, by Descent, as before mentioned; and next, by Authority of Parliament; which, upon Examination of the late Duke of York's Title, conferr'd the Possession of the Kingdom immediately on him or his Heirs, when Henry VI. should make Forfeiture of it by Death, Relignation, or Breach of that Accord fworn there so solemnly between them: And that this Accord was broken, the Slaughter of the said Duke, oppressed with unequal Numbers of Henry's Party, at the Battle of Wakefield, did but too fadly manifest. Nevertheless, he protested he would forego the Justice of his Claim, rather than enter upon it without their free Vote. At which, unanimously, the Assembly cried out, King Edward, King Edward; joyful that their Voices might confirm him King, who had deigned them so humble a Compliment, as to profess that he would not receive the Title without their Suffrage.' In another Place, the same Author makes this Remark, That perhaps this Ceremony did then appear needful, in regard the fame Voices had vowed Obedience to another: Otherwise, whosoever shall alledge that the Suffrage of the Multitude is necessary to confirm a Frince, destroys the Right of Succession, and in That the Monarchy, which so long and triumphantly hath ruled this Nation.'—But to return to the further Proceedings of this Parliament.

Hedistributes the forseited Estates amongst his own that Edward bestowed great Largesses to his Friends, out of the Estates forseited by his Enemies. Nor were Ho-

O Pacatum est igitur Regnum Diebus issis, et pro concesso cælicus de Inimicis Triumpho, universi Populi Gratiarum Assiones reddiderunt omnipotenti Deo. Hist. Croyland Continuatio. Ed. Gal. p. 533.

p - qui, ut est in weteri Verbo, laborantem Agricolam oportet primum de Fructibus percipere, primum omnium de Sententia et Austoritate Concilii, suis Militibus bene meritis Agros illorum, qui Henrici Partes sequebantur, destribuit, &c., Poly. Verg. Hift. Ang. p. 513.

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Honours and Titles wanting to particular Persons, whom K. Edward IV. either Proximity of Blood or Merit had rendered dear to him. His two remaining Brothers, George and Richard, he created Dukes; the former of Glarence, the other of Gloucester. John Lord Nevile, Brother to the Earl of Warwick, he made Viscount Montacute, afterwards Marquis of Montacute. Henry Bourchier, Brother to the Archbishop of Canterbury, was created Earl of Effex, and William Lord Fauconberg, Earl of Kent: He raised several others to the Title of Barons, and honoured many with Knighthood. Punishments succeeded to Rewards; for John Earl of Oxford, Aubrey de Vere, his Son, Sir John Tiddenham, Knight, William Tirel and Walter Montgomery, Efgrs. were, without any Trial, attainted and convicted of Treason, and heheaded on Tower-Hill 9.

Though the great Earl of Warwick is not mentionedhere as receiving any higher Titles and Rewards, yet: a contemporary Historian raffures us, that he was not without an ample Share of the latter. He had several Manors and Lordships bestowed upon him by the King; fome out of Crown Lands, and others that were confiscated. He was constituted Governor of Calais, and had other great Offices; so that our Author has himselfheard that he received annually, in Pensions and these Kind of Profits, 80,000 !. besides his own Inheritance. All these enabled him to spend the most in Hospitality that ever any Subject did before him; of which our older Chronicles give fome strong and familiar Instances. But an unwarrantable Defection afterwards from the Family who had bestowed these Gramities upon him, lost this great Man his whole Income, and his Life into. the Bargain.

Some new Commotions happening about this Time, prevented King Edward from meeting this last Parliament at the Time of the Prorogation; therefore it. is entered on the Roll, That, on the 6th of May, in the second Year of his Reign, because the King could not attend there, Thomas Archbishop of Canterbury, by the King's Letters Patent, dissolved the said Parliament. Dugdale has given us a Summons to a Parliament

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⁹ Hall's Chronicle, Anno 1461. Habington in Kennet, p. 433. Les Memoires de Phil. de Commines, Livre III, chap, iv,

K. Zimmi IV- at York, to be held the 5th Day of February, An. 2 Edround IV. and another the same Year to Westminster the 20th of April; but no Notice is taken, in that Au-

thor, of any other Parliament till the 6th of this King. However the Records give us the Proceedings of a

Anno Regni 3. 1462.

Parliament fummoned by Write, dated February 28, to meet at Westminster the 20th of April, Anno 3 Edreard IV. When and where being all met as usual, At Woftminfter. George Bishop of Exeter, then Lord-Chancellor, declared the Cause of the Summons in a Speech upon this Subject, Quia judicatis Torram diligitis Justitiam; but this is again omitted in the Record; only, in the Close, he directed the Commons to chuic a Speaker; and, on

Jose Say, Efg; the third Day of the Session, they presented John Say,

chosen Speaker. Bife; who was accepted.

The only Transaction of this first Session of Parliament was, to grant the King an Aid of 37,000% to be levied on the Lands, Tenements, Goods and Chattels, in the Counties, Cities, and Towns, according to a Rate there expressed. And, on the 17th Day of June, in the Presence of the King, Lords, and Commons, the Chancellor, by his Majesty's Command, gave Thanks to the Commons for the Subfidy granted; and because the Scots had entered England and joined with his Rebel Subjects, which required the King's going in Perfon against them, he prorogued the Parliament from the same Day unto the 4th of November next at Westminster. On the faid 4th Day of November, Themas Archbi-

Inop of Canterbury, the King's Kinsman, by his Letters Patent, held and continued the Parliament; and the same Day the Chancellor told them that the King, out of his meer Grace, released unto the Commons 6000/. Parcel of the Grant aforesaid; whereupon it was enacted that 31,000 L shall be levied in Manner of a Fifteenth, and be called by that Name. And then the Chancellor, in the King's Name, and as his Lieutenant, adjourned the faid Parliament from that Day to the 20th of February enfuing, at York.

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A Subhey.

At which Time and Place being again affembled, William Bishop of Lincoln', by Command of William

a It is only W. Lincoln Epifc, in the Record. Here must be fome Mistake, for there was no William or Walter Bishop of Lincoln, according to Le Rew's Fafti, at that Time. John Charleverth was then Billiop, and died to, Asso. 3471.

Archbishop of York, the King's Commissioner, by Let- R. Bound 10° ters Patent, held the faid Parliament, and adjourned it over from the faid Day to the first Day of May next ensuing, at York as aforesaid. The Reason for this last Adjournment is faid to be, Because that some Conspiracies and Rebellions being raifed against the King in Gloucestershire, he was obliged to go in Person to suppress them.

On the first of May the Lords and Commons were Anno Rechia. again affembled, in the great Hall, within the Palace of the Archbishop at York. The King's Letters Patent were read, constituting and appointing Richard Earl of Warwick and the Earl of Sahifbury his Commissioners to hold and continue the faid Parliament, from the faid first Day of May to the 25th Day of November following; and upon reading thereof the Abbot of Fountain's, by Commission under the Privy Seal, adjourned the same accordingly. The Cause of which last Adjournment is affigned to be, That the King was builty employed in the more Northern Parts, for the suppressing of Rebels, and in Defence of the Kingdom against a foreign Invasion.

1464. At Tork.

On the 26th of November, at the same Place as before, the Parliament once more met; when the same Commissioners were appointed to hold and prorogue the faid Parliament from that Day to the 26th of January next ensuing, at Westminster, and the Abbot of St. Mary's in York, by the King's Appointment, prorogued the same accordingly.

These Interruptions and distant Adjournments were occasioned by the Unsteadiness of the Times: Edward, though in Possession of the Crown, yet it was not so firmly fixed on his Head, but his Enemy Margaret found Means to thake it. Some Aids the had from France; but they were discomfitted on their Landing in the North, by the Bastard Ogle. However, by giving up Berwick, and some other Fortresses on the Borders. to the Scots, the got some Forces in that Country, and, marching into Northumberland with them, took the Castle of Bamburgh, and passed forward to the Bishop-

This was William Bootbe, who died the next Year, Anno 1464, and was succeeded by George Nevile, Brother to the Earl of Warwick. Le Neve's Fasti Ecclesia Azz.

Edward defeats two Armies raifed against him.

K. Edward IV. ric of Durham, her Army daily increasing: But they were met with, and defeated at Hegeley-Moor, by King Edward; and another Army, which was following with King Henry, underwent the same Fate at Hexham, in Northumberland; Henry himself, with much Difficulty, Shortly after which, this unfortunate Prince escaping. came into England in Disguise; but, being betrayed, was apprehended at Waddington-Hall, in Lancashire, as

King Henry tas he fat at Dinner "; from whence he was conveyed to London, with his Feet bound to the Stirrups, where he ken Prisoner. was arrested by the Earl of Warwick, and committed Prisoner to the Tower.

The Parliament fter, after four Adjournments, and grant Edward a Sublidy for Life.

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The 26th of January being come, the Parliament meet at Westmin- met at Westminster, according to the last Prorogation. And now we find that they had Time to do Business; and the very first Act they went upon was to grant a Supply to the King; which was done too in a very effectual and unusual Manner: For the Commons, with the Assent of the Bishops and Lords, granted to the King, during his Life, the Subfidies following; First.

Tonnage and Poundage of every English Merchant according to the old Rate. For every Sack of Wooll, 433 s. 4 d. For every 240 Wooll-fells, 33 s. 4 d. For

every Last of Hides, 31. 6 s. 8 d. Of every Merchant Stranger, whether made Denizens or not, for every

Sack of Wooll, 3 1. 6 s. 8 d. For every Last of Hides, 6 3 l. 13 s. 4 d. For every 240 Wooll-fells, 3 l. 6 s. 8 d.

with a Proviso only made, That the Town of Calais, and the Soldiers in Garrison there, may be victualled

and paid with Part of the faid Subfidies, according to

a Rate there stated.

It was also ordained, 'That the Treasurer of Calais be obliged, under a Penalty, to account yearly in the • Exchequer; and that he may dispose of all the Offices under him, in the Town or Marches of Calais, to

whom he pleases, to hold the same at the King's Will.

The Government and Staple of Calais having been often mentioned in the Course of these Inquries, it will

The antient Family of Pudfey, still resident at this Place, keep a Pair of Shamois Stockings, a Pair of Gloves, and some other Reliets of this King, which he left there when he was taken.

not be amis, in this Place, to give some Account of it & Edward IV. out of the Memoirs of Philip de Commines. That Au-

thor tells us, 'That this was the richest Tewel in the

English Crown, and the most profitable Government

in Christendom, if not in the whole World: That The Staple of he was there feveral Times, during the Differences Calais accounted

between the Houses of York and Lancaster, and was for.

told by the chief Officer of the Staple for Cloth, that he would willingly farm the Government of the Town

at fifteen thousand Crowns per Annum; for the Gover-

on of Calais receives all Profits on that Side of the

Sea, has the Benefit of Convoys, and the entire Dif-

opofal and Management of the Garrison ...

And, in another Place, the same Author tells us. That it is almost incredible what prodigious Return for their Woolls the Merchants make twice every Year

from that Place.'—But to proceed.

Next came on, in this Seffion, the Attainders of feveral more Persons of Quality, and others, who were slain or taken in the late Battles; particularly Henry Beaufort. late Duke of Somerfet, was attainted for raising War against the King, and joining with Henry VI. at the Battle of Hexham, in the County of Northumberland, on the 8th Day of May last past.

Sir Ralph Piercy, Knight, was also attainted for delivering up the King's Castles of Bamburgh and Dunstanburgh to Henry, and for raising War against the King at the Battle at Hegeley-Moor, in Northumberland, on

the Day of the Feast of St. Mark last past r.

Sir Humphrey Nevile, Sir Henry Bellingbam, Sir against Henry's Thomas Philips, Knights, many other Esquires, Gentlemen and Yeomen, were likewise attainted for taking Part with Henry at Bamburgh.

Edmund Beaufort and John Beaufort, Brothers to the faid Duke of Somerset, Sir William Carie, alias Caree, Knight, and others, were also attainted for adhering to

x Les Memoires de Phil. de Commines, Liure iii. chap. iv. & chap. vi. y This Sir Ralph Piercy is celebrated by all, or most, of our English Historians, for dying bravely at this Battle, and with these Words in his Mouth, I have faved the Bird in my Breaft; meaning the Oath that he had fworn to King Henry, But, by the Bill of Attainder, it feems to appear that he had been guilty of much Treachery, in delivering up two Castles, which he had been entrusted with the Keeping of by King Edspard. And Hall, in his Chronicle, confirms this, by faying, That he forgot that he had before abandoned King Henry in his utmost Necessity. and submitted himself to King Edward. Fol. exxi.

More Attainders

K. Edward W. Margaret, late Queen of England. Some more of leffer Note are mentioned; and to all the above-named
Persons, as the Record speaks, the King had granted
Pardon in the first Year of his Reign. And it was
enacted, That the Attainders of the said Duke of Somerfet, Humphrey Nevile, Ralph Peircy, Henry Bellingham,
and others, made Anno Regni I. shall stand; and that
the Restitutions to them made shall be void. A Proclamation also was ordered to be issued out against several Knights, Gentlemen, and others, by Name, who

An Act of Refumption, the fame 2,

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Then an Act of Resumption was passed, whereby the King took into his Hands all Manner of Hereditaments belonging to the Crown, the Principality of Wales, the Duchies of Cornwall and Lancoster, and the Earldom of Chester, from the Feast of the Purisication of our Lady last before, in such Manner as he had, or ought to have had, on the 4th Day of March, in the sirst Year of his Reign; any Letters Patent, or Grants, to the contrary notwithstanding. And that all Grants, Leases, &c. made by the King, before the said Feast, of any Hereditaments belonging to his Duchy of York, or Earldom of March, be also void; but with many Provisoes.

had escaped from the Battles, That, if they did not yield themselves to the King's Mercy by such a Day, they should stand attainted of High Treason, and incur the Pains of

The last Act of this Parliament, that we think proper to mention, is, That whereas the Sum of 32,837 k was due to the Mayor and Company of the Merchants of the Staple of Calais, the King, by the Authority of Parliament, in order to content them, and discharge that Debt, assigned them a Power to take a yearly Rate out of the Subsidy on Wooll untill full Payment be made.

There were feveral Statutes made, in this and the preceding Sessions of this long Parliament, for the Encouragement of the Woollen Manusactory, and Trade in general; which the Reader, if he pleases, may find in the Statute-Books, it being needless here to take any further Notice of them. One Act or two, however, deserves Mention, which was to restrain the excessive Vanity then used in Dress or Apparel, and to encourage the

Sumptuary Laws.

F Rot. Parl. 4 Edward IV. No. 38.

the wearing of Home Manufactures; which Vanity, K. Edward I notwithstanding the Destruction and Misery the Civil Wars had occationed, was grown to a very great Height, One Thing, in particular, was the extravagant Way the People then had got of adorning their Feet. They wore the Beaks, or Pikes, of their Shoes so long, that it incumbered them in their Walking, and they were forced to tie them up to their Knees. The Gentlemen did it with Chains of Silver, or Silver gilt; and those who could not afford to be at that Charge, with Silk Laces. This ridiculous Fashion had been in some Meafure used, ever since Richard the Second's Time; but these enormous Pikes were now, by Act of Parliament, curtailed to two Inches, under a Penalty both to the Shoemaker and the Wearer *.

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We are told likewise, during one of these Sessions of Parliament, a Convocation met at London, in which the Clergy very willingly gave a Tenth to the Crown. in Acknowledgment for an extensive Charter lately granted them. And here, a Complaint being made of the Violation of Sanctuaries, the utmost Censures of the Church were decreed against those who should drag any Persons out of Churches or other privileged Places, and carry them to Prison. There was also a Constitution passed for the Regulation of the Clergy's Habits .

After the Dissolution of the last Parliament we meet with no other Summons for three Years; during which Time Edward's Affairs were again thrown into a very Edward matries precarious Situation. The Earl of Warwick, his great-the Lady Grey. est Friend, had been disgraced in an Embassy to the French King, to conclude a Marriage between the King of England and his Sifter, whilst Edward was actually confummating one at home with a Widow Lady, and one of his own Subjects . The Earl, from a fast Friend, became, on this, Edward's bitterest Enemy; and, returning to England, had the good Fortune, by Surprize, to take King Edward Prisoner, and sent him, as such, to his Castle of Middleham in Yorkshire. Here, being

^{*} See Statutes at Large, An. 4 Edward IV. cap. vii. Collier's Ecclef. Hift. Vol. I. p. 680.

The Lady Elizabeth Gray, the Relieft of Sir John Gray, flain at the Battle of Sr. Alban's, on King Henry's Side. She had been a Maid of Honour to Queen Margaret, and was herself crowned Queen of England, May 26, 1465.

K. Edward IV. being slenderly guarded, the King found Means to make his Escape, and soon after drove the Earl of Warwick, with the King's Brother, George Duke of Clarence, who had also deserted his Interest, out of the Kingdom. returning foon after with Forces lent them by the French [329] King, they reduced Edward to such an Extremity, that

he, in his Turn, was forced to fly the Kingdom; and Henry, being released from a long Confinement, was once more feated on the Throne.

> But in an Interval of these Commotions, and various Turns of Fortune, we find that a Parliament was fummoned by King Edward in the Year 1467, by Writs dated at Westminster the 28th of February, to meet at the same Place on the 3d Day of June following b. George Duke of Clarence, and Richard Earl of Warwick and Sarum, are here both summoned as usual.

Anno Regni 7. 1467. At Westminster.

In the Presence of the King, sitting on the Throne, in the Painted-Chamber of the Palace of Westminster, and of the Lords and Commons, William Bishop of Lincolne, in the Absence of George Archbishop of York, Chancellor of England, by the King's Command, declared the Cause of the Summons; after which he ordered the Commons to chuse their Speaker, and present him as usual. Accordingly Sir John Say, Knight; was presented, and accepted by the King.

Sir John Say chosen Speaker.

> After which the King, with his own Mouth, made the following Oration to the Commons;

> John Say, and ye, Sirs, comyn to this my Court of Parlement for the Comon of this my Lond.

ment.

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Edward's Speech THE Cause why y have cald and summoned this my present Parlement is, that y purpose to live upon my nowne, and not to charge my Subjects but in great and urgent Causes, concerning more the Weale of themselves, and also the Defence of them and of this my Realme, rather than mine owne Pleasure, as heretofore by Comons of this Lond hath been done, and borne unto v.y Progenitours in Time of Need; wherein y trust that yee, Sirs, and all the Comons of this my Lond, will be as tender and kinde

> b Dugdale places this Summons in the 6th of Edward IV. c So again in the Record, which makes us think there is some Mistake in Le Neve's Fasti rather than in this great Authority.

unto me in such Cases as heretofore eny Cammons have K. Edward IV. been to eny of my Progenitours: And for the Good-will, Kindness, and true Hearts that yee have borne, continued, and shewed to me at all Times heretofore, y thanke you as hertily as y can; also y trust yee will continue in Time coming; for which, by the Grace of God, y shall be to you as good and gracious a King, and reign as rightwisty upon you as ever did any of my Progenitours upon Comons of this my Realme in Dayes past; and shall also, in Time of Need, apply my Person for the Weale and Defence of you, and of this my Realme, not sparing my Body nor Life for any Feopardy that might happen the same 4.

An Act of Resumption was passed, the same in Effect as the last Parliament; also another that the King should for ever enjoy all such Hereditaments as Richard late Duke of York possessed on the 30th Day of December, Anno 39 Henry VI. any Grant to the contrary notwithstanding: But this with a vast Multitude of Provisoes.

In Consideration of 33,000 l. due by the King to the Mayor and Company of Staplers at Calais, the King, for eight Years and a Half, granted unto the same Mayor all and singular the Customs and Subsidies on Goods going out of the said Port, and all his Revenues in Calais and the Marches of the same, for the said Term; they allowing yearly a certain Sum for the Soldiers' Wages and Maintenance of the Works. This by Letters Patent.

Richard Welles, Lord Willoughby, Son and Heir of Leonard Welles, Lord Willoughby, was restored in Blood to the said Lord Leonard, and to all his Hereditaments, notwithstanding the Attainder made against the said Leonard, Anno I Edward IV. As was also Sir Thomas Trespam, Knight, and his Attainder made void.

These were most of the Transactions of the first Session of this Parliament; for, on the 5th Day of July, Robert Bishop of Bath and Wells, then Chancellor, in

⁴ From the Parliament-Roll, 7 Edward IV.—This Speech is quoted by Sir Henry Yelverton, in his Argument concerning Impositions, 7 Jac. I. as an Acknowledgment on the Part of the King that he had no Right to impose at his own Will, and that the Subject had a certain and distinct Property from that which was his own.

e The Day he was flain at the Battle of Wakefield.

f Slain at the Battle of Toroton.

[&]amp; Robert Stillington. Le Neve's Fasti, &c.

K. Edward IV. the Presence of the King, Lords, and Commons, first answered certain Petitions from the Lower House, and [331] then thanked them, in the King's Name, for the Statute of Resumption; assuring them, that the King had provided for Calais; had taken the like Care for Ireland

and Wales; and further, that his Majesty desired there might be a due Execution of the Laws. After which, by the King's Command, he prorogued the Parliament from the same Day and Place to the 6th of November next ensuing at Reading. And from thence the said Chancellor again prorogued this Parliament, by the King's Command, from the faid 6th of November to the 6th of May, at Reading aforesaid. But they did not sit at that Place; for the Chancellor, at their next Meeting, adjourned them from the 6th of May to the 12th of the fame Month at Westminster.

After several Westminster.

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These frequent Prorogations were owing to the Un-Prorogations, at quietness of the Times, which were far from being setteled as yet; but, at this last Adjournment, the Parliament fat to do Business, and, besides passing several beneficial Acts for the further Encouragement of the Woollen Manufactures, &c. some Subsidies were granted, which will be feen in their proper Place. Days after this Meeting, the King sent for the Commons into the House of Lords; when the Chancellor, by his Command, spoke to the whole Body to this Effect:

First, he began with Justice, and instanced the good Effects of the same. He next declared, That the Three Estates comprehended the Government of this Land; the Preheminence whereof was due to the King, as 6 Chief; the second to the Bishops and Lords; and the

4 third to the Commons.

6 He then put them in Mind in what poor Estate the King found the Crown; despoiled of the due Inheritance; wasted in its Treasures; the Laws wrecked; and the whole, by the Usurpation, in a Manner subverted: Add to this, the Loss of the Crown of France, Duchies of Normandy, Gascoigny, and Guienne, the antient Patrimony of the Crown of England, loft also; and further, he found it involved in a War with Denmark, Spain, Scotland, Britanny, and other Parts, and even with their old Enemy of France.

Then

Then descending he told them, That the King had K. Edward IV appealed all Tumults within the Realm, and planted fuch inward Peace, that Law and Justice might be 'extended: That the King had made Peace with Scotland: That the Lord Winters was negotiating a League with Spain and Denmark, so as to open a free 'Commerce with those Countries: But what was still the greatest, he had allied himself to the Dukes of Burgundy and Britanny, two most powerful Princes, in such Sort as they had given the King the strongest 'Affurance of acting vigorously against France, for the recovering of that Kingdom, and other the King's Patrimonies; of which, fince they made little Doubt, the King thought proper not to omit such an Opportunity, and fuch a one as never happened before. And 'that his Majesty might see this Kingdom as glorious as any of his Predecessors ever did, he was ready to adventure his own Person in so just a Cause. Lastly, He 'told them, That the King had called this Parliament to make them acquainted with these Matters, and to 'defire their Advice and Assistance h.'

The Answer the Commons made to this pithy Harangue was, immediately to grant a large Subsidy of two whole Fifteenths and two whole Tenths, to be levied on the Laity. Reserving only 12,000 L to be deducted out of it for the Relief of poor decayed Towns.

The Senate having thus liberally contributed to the Supplies of the State, the next Thing they went upon was to confirm, by their Authority, the King's Letters Patent granted to his new Queen Elizabeth, for establishing her Dower: That the Part of the said Dower, assigned to her by Letters Patent under the Seal of the Duchy of Lancaster, should be valid; tho' there be no Livery and Seisin of the same; and that the Queen might personally plead and be impleaded in her own Name; to which are added the Names of the several Manors and other Hereditaments, assigned to her Majesty, in the Duchy of Lancaster, and elsewhere, under the Great Seal; which were all confirmed by Parliament.

In Confideration of the Sum of 10,000 l. paid in Part of a greater Sum, due by the King to Charles Duke of

Bur-

b Rot, Parl. 8 Edw. IV. No. 24. 1 Ibid. No. 30.

A Subfidyi

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K. Edward IV. Burgundy k, on the Marriage between the said Duke and the Princess Margaret, the King's Sister, by the Mayor and Company of the Staple of Calais; the King, by Letters Patent, granted that they should be repaid out of the Subfidy on Woolls; which Letters Patent were, by common Assent, confirmed,

> Many good Laws were made this Parliament for the Encouragement of the Woollen Manufactories, &c. as is before mentioned; but we refer the Reader to the Statute-Books for more Information about them. One Thing in the Abridgement of the Records is remarkable enough, ' That a Bill was brought in this Parliament, whereby all such as should rob any Church of any Pax, Cope, Granel, Mass-Book, or any other Trinket, " (whereof, fays William Prynne, the whole Rabble is e named) shall be deemed a Traitor, and be burnt for the fame; and that all fuch Persons shall be deprived of the Benefit of their Clergy; that an Appeal for Reflitution may also lie, and that all Justices of Peace may inquire of the same.' The Publisher remarks, That, by the Preamble to these Motions, it seems that

> this Bill was made against the Lollards; but the King's Answer to it was only, Le Roi s'avisera.

> The Civil Wars which had been carried on fo long.

and with such Fury by both Parties, were not yet at an End; for, foon after the Dissolution of this Parliament, Edward was obliged, for his own Safety, to leave the This happened in the Year 1470; and, in

the Month of October this Year, the Earl of Warwick King Henry VI. released King Henry from his Imprisonment, and he was

once more restored to the English Crown. we find that Writs of Summons went out in King Edward's Name, dated at Westminster, August 10, [9 Edward IV.] for a Parliament to meet at York on the 22d of September following: But a Stop was put to this Meeting by other Writs, dated September 7, the same Year; and the Reason of the Prohibition is given in the Body of the Instrument to be, Because the King was certainly informed that Rebels, Enemies at home, and Foreign Enemies, both from France and Scotland. had

k This Charles, then Duke of Burgundy, was very nearly related to the House of Lancaster; for Philippa, Daughter to John Duke of Lancaster, was married to John King of Portugal, by whom the had Isabella, Mother to this Charles.

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Edward forced to leave the Kingdom.

reflored.

entered this Kingdom in a hostile Manner, and with King Henry VI.

armed Force had actually invaded it, &c. i

Historians k inform us, That, after the great Earl of Anno Regni 8. Warwick had raised King Henry from a Prison to a Throne, (from whence he was called The Setter-up and At Westminster. Puller-down of Kings) a Parliament was called to meet at Westminster, Nov. 26, 1470, wherein nothing was denied which the prevailing Party thought fit to authorize: For here King Edward was declared a Traitor to Edward declared his Country, an Usurper of the Crown, and had all his &c. Goods confiscated. The like Judgment passed against his Brother Richard Duke of Gloucester, and all his Adherents; of whom John Tiptoft, Earl of Worcester, Lord High-Constable of England, and Lord-Deputy of Ireland, was beheaded. All the Statutes made by King Edward were revoked; all the Attainders against the Earls of Oxford, Pembroke, and many others, reversed; the Crowns of England and France entailed on King Henry and his Heirs Male; and, for Want of such, unto George Duke of Clarence and his Male Issue, and he was declared immediate Heir to his Father Richard Duke of York. Lastly, The Earl of Warwick was made Protector of the Kingdom, and Clarence, his Son-in-Law,

An Historian of some Eminence 1 is very smart in his Remarks on this Remarks on the Act to entail the Crown in the Manner new Settlement aforesaid; by which, he says, the Earl of Warwick shewed not only the Extent, but the Insolency, of his Greatness; as if, adds he, the Title of the Kingdom appertained to them who were nearest in Alliance to him, not next in Blood to the Crown. goes on and writes, ' For, if the Justice of Lancaster's Claim had the Preheminence for Want of Issue in King · Henry, why should not the Sovereignty fall to the Duke of Somer fet? Or, if that Line was crooked in respect of Bastardy, why not to the House of Portugal, without

joined in Commission with him.

The Abridgement of the Records hath given us the Names of the Peers fummoned to this Pailiament.

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⁻ Quod, certitudinaliter informamur, Rebelles, Inimici, et Adverfarii nofiri, Regnorum Franciz et Scotiz, Regnum nofirum Angliz bostiliter ingredi et invadere proponunt, Vi armata, &c. Dugdale's Summons to Parliament, p. 466.

k Hall's Chron. Fol. ccxi. Grafton's, p. 691; and Habington in Kennet, P. 446. 1 Habington, ut fupra.

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King Henry VI. ' any Blemish, descending from John of Gaunt? Or, if the House of York had the better Title, why was George Duke of Clarence then let down but second in the En-

- 4 tail? Or, if the Right was in Warwick himself, (for his
- Power ordered and disordered all) why was the King-
- dom to descend first of all to the younger Daughter?
- But preposterous Ambition never knew how to give an

Account to Reason.'

It would be unpardonable also to omit the Reflections of M. Rapin de Thoyras, on the Conduct of this Parliament: fince this, and several more such, we have quoted from that Author, evidently shew that he was no Friend to Parliamentary Proceedings. He writes, 'That the contrary Resolutions of Parliaments, in regard to the Quarrel between the Houses of York and Lancaster. clearly shew that these Assemblies acted not with Freedom, but were swayed by the Events which happened before their Deliberations. It is in vain to urge, therefore, the Authority of Parliaments in Support of the

Their Determinations are, Rights of either House. properly, of no Force; fince they had not the Liberty to judge according to their Understanding, unless it is

faid that their Understanding directed them always to fide with the strongest.' And, upon the Act to entail the Crown, in Default of Heir Male from Henry, on the

Duke of Clarence, &c. Our Author goes on and fays, That here would be a large Field to expatiate on the unlimited Authority of Parliament, if this Statute had

been made with Freedom, and after mature Deliberation. But it is easy to see the little Freedom there was

in this Parliament, if it is confidered that this Act was only a bare Confirmation of the Earl of Warwick's En-

gagements. Moreover, out of pure Condescension for the Earl, or rather by his Direction, and contrary to the Laws and Customs of the Realm, it was not scru-

opled to deprive the Daughters of the House of Lancaster

of a Right enjoyed by the Princesses of the Royal Fa-4 mily ever fince the Norman Conquest. Thus, adds he. by a hasty Resolution, was established in England a

Kind of Salie Law, which the English had so much

censured and derided, when Edward III. and Philip de Valois were contending for the Crown of France.

And, besides, this Parliament manifestly supposed • Henry's " Henry's Inability, and confidered him only as the Sha- Mag Berry VI.

dow of a King, by conftituting the Duke of Clarence and the Earl of Warwick Joint Governors of the Kingdom,

What we can pick up elfe, relating to the Proceedings of this Parliament, is from an old Chronicle m, which informs us that it began at Westminster at the Time aforesaid, and from thence was adjourned to St. Paul's Church, London, where it continued till Christmas: That an Alderman of the faid City, called Sir Thomas Cook, who had been tried for Treason, Anno 7 Edward IV. and acquitted; but, for Misprisson, had been imprisoned, Yeverely fined, and otherways ill used, now exhibited a Bill of Complaint, in the House of Commons, against the Lord Rivers and others, who had been the Occasion of his Troubles. He petitioned the House that he might be repaid his Loss and Damage out of the said Lord's Estate, to the Value of 22,000 Marks. It is likely, adds our Historian, that it would have been granted to him, if King Henry's Affairs had prospered; for this Sir Themas Cook was a Member of the House of Commons, a good Speaker, of great Boldness and Vivacity of Wit. But he had better have been quiet, for he smarted much worfe for it afterwards.

We have been more careful to collect what Historians have left us concerning the Proceedings of this Parliament, fince there is not one Word of all this Matter on Probably, if these Proceedings were entered on the Rolls, Edward, who foon after was restored, caused them to be erazed and abrogated. Dugdale, indeed, hath given us the Summons to this Parliament, the Date of which is Anno 49 Henry VI. [9 & 10 Regis Edward IV.] wherein the first Writ to the Peers is directed to Henry's most dear Cousin, George Duke of Clarence, who had then revolted from his own Family; but there is no Mention at all of it in the Records themfelves.

However, this Dream of Regal Power in Henry lasted but a small Time , for the Fugitive Edward having gained some Aids from his Brother-in-Law, the Duke

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m Fabian's Chren. Fol. 219.

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n The Acts of State which are in Fad. Ang. make it appear by their Dates, that Henry's reinflated Rogal Power lasted only from about QE. Q to March 27. Several of which Acts are faid to be done Astisritate Perliamenti, Rymer's Fad. Ang. Tom. XI.

King Henry VI. of Burgundy, and being promifed more in England, landed at Ravensburg, in Yorksbire. At his first Arrival he seemed to lay aside his Claim to the Crown, pretending only to his Rights as Duke of York; but, having

Edward returns, possessed himself of that City, and got his Friends about him, he foon threw off that Mask, and, marching forward with a now-powerful Army, was met and joined by his Brother the Duke of Clarence, with a very consi-

derable Reinforcement.

Edward, being now strong enough to cope with his Enemy the Earl of Warwick, marched on directly for London, and at his Approach the Citizens opened their Gates to him. The Earl of Warwick was not there, but peaceable Henry fell once more into his Enemies' The Earl, however, was advancing towards London with a powerful Army, against whom the warlike Edward opposed himself; and at Barnet, their Armies meeting, a dreadful Battle ensued; where, at first, Warwick's good Fortune in War gave him great Hopes

Barnet.

The Battle of

of a complete Victory; but, by a fatal Mistake amongst Henry again ta-ken Prisoner, his own Men, the Day was changed, and Edward was and Edward re-victorious, with the Death of the Earl of Warwick, and flored. the Marquis of Montacute, his Brother; 10,000 more Englishmen falling, on both Sides, at that Battle.

Another Battle at Tewksbury.

In a few Weeks after this another Battle was fought at Tewksbury, between King Edward and the martial Queen Margaret, where the Heroine was also defeated; her Son, Prince Edward, made a Prisoner, and destroy-'ed; all the Nobility and Gentry with her taken or flain, and her whole Army cut to Pieces. This Victory was foon after followed by the Death of the pious Henry, faid to have been murdered in the Tower by the Hands

Henry's Death.

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of Richard Duke of Gloucester, King Edward's Brother. And thus dying, as it were, the like Death as King Richard, proves that Scripture Maxim true, That God visits the Sins of the Fathers on the Children, even unio

the third and fourth Generation.

The grim King of Terrors having thus satisted himfelf with the Blood of so many Princes and common Men, a while laid down his deadly Scythe, and Eng-· land enjoyed a profound State of Tranquillity. was not till the Year 1472, and the 12th of this King, that we meet with any more Parliaments; when Writs

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of Summons were lifted out, dated at Westminster the K. Edward IV. oth Day of August, for a Parliament to meet at the same Place on the 6th of October following. A List of the Peers, at the End of the late destructive Civil War, may not be improper in this Place c.

The King to his most dear Brother George Duke of Clarence, &c.

The State of the Richard Duke of Glou-John Lord Howard Peerage at Ed-Richard Lord West, cester, ward's Restora-Walter Devereux, Ld. Fer tion. John Duke of Norfolk, John Duke of Suffolk, rers. Richard Lord Scrope, of William Earl of Arundele, [340] Henry Earl of Effex, Bolton, Edmund Earl of Kent. Ralph Boteler, Lord Sud-Ralph Earl of Westmoreley, Thomas Lord Lumley, land, Thomas Lord Stanley, Henry Earl of Northumber. Richard Fenys, Lord Daland, Anthony Earl Ryvers, John Earl of Shrewsbury, John Broke, Lord Cobham. Walter Blount, Ld. Mount-John Earl of Wiltsbire. Ralph Lord Greystock, William Lord Stourton, Thomas Lord Scrope, of Masham, John Bourghchier, Lord John Lord Beauchamp, Berners, Fulk Bourghchier, Lord John Lord Audley. Edward Nevile, Lord Ber-Fitz-Waryn, John Sutton, Lord Dudgavenny, Reginald Lord Grey, of ley, William Lord Hastings, Wilton, Fohn Lord Strange, William Lord Berkeley, Henry Lord Grey, John Lord Dynham,

Ten Judges by Name are also summoned.

This Parliament being affembled, as aforesaid, be-Anno Regni 122 fore the King in the Painted Chamber at Westminster, 1472.

Z 2 the At Westminster.

E We find, in the Public Asts, that Edward assembled as many of the Lords Spiritual and Temporal as were in or near London, in the Parliament Chamber at Westingster. July 3, Anno 1471. At this Meeting a formal Oath was proposed to them, to swear Festy to his Son Prince Edward, as his Heir Apparent; which was taken and subscribed by the two Archbishops, eight Bishops, and all the Temporal Lords and Knights there present. Fad. Ang. Tom. XI. p. 714.

K. Edward IV. the Bishop of Rechester 4, (Rebert Bishop of Bath and Wells, then Chancellor, being absent by Sickness) opened the Cause of their Meeting; after which he directed the Commons, as usual, to chuse and present their Speaker; and William Allington, Efa; was cho-

LINGTON, Efgisen, presented, and accepted by the King for that Pur-

chosen Speaker, pose.

The first Thing we find that the Commons went upon was the Supply; and 13,000 Archers were voted, to serve the King at their Costs, for one Year; the same to be levied according to the Proportion of a Tenth Part out of all Lands and Tenements. Lords Spiritual and Temporal did also tax themselves, by Way of Grant unto the King, towards furnishing the Forces aforefaid, the tenth Part of one whole Year's Revenue of all and fingular their Lands and Possessions.

A fingular Sort of Tana

> The Commons then, by a long Protestation delivered to the King and Lords, required that the Statutes made against Riots, Maintenancies, Opprosions, and for regulating Labourers, may be executed. same Day, viz. November 30, the Bishop of Reebester, by the King's Command, returned Thanks to the Commons for their Grant, and prorogued the Parliament from the same Day to the 8th of February next

onlying, at Westminster.

Edward creates his eldeft Son Ø €.

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At this Session the King's Letters Patent for creating Edward, his first begotten Son, Prince of Wales and Prince of Wales, Earl of Chefter, were confirmed by Parliament; likewife the King's Letters Patent for granting and delivering to the young Prince the Hereditaments and other Appartenances belonging to the faid Principality and to the Duchy of Cornwell, were, by the fame Authority, confirmed. This Prince was then about two Years old, the Queen having been delivered of him, in the Sanctuary at Westminster, whilst the King was an Exile.

Several Attai ders reversed.

Next follow several Acts of Mercy in reversing the Attainders of divers Persons, amongst whom Sir Harry Percie, Knight, as he is there stiled, Son and Heir to Henry late Earl of Northumberland , was restored in Blood to the faid Earldom, and to all such Hereditaments as came into the King's Hands, March 2, Anne

i Thin Alreck Slain at the Battle of Towers on the Lancefiries Side:

a Edward IV, and the Attainder made against the faid K. Edward IV. Earl. Anno 1 Edward IV. was made void. The Reader may observe that this Earl was summoned to this very Parliament.

Ralph Nevile, Son and Heir to John late Lord Nevile, Sir Henry Roos, Knight, late Lord Roos, of Hamlake .; and several more there named, have their Attainders reversed, and are restored to their Honours and Possessions.

We find that this Session continued till the 8th Day Anno Regai 13: of April, Anne 13 Edward IV. when the Commons granted the King one Tenth and one Fifteenth, referving out of it 6000 l. to be distributed to certain decayed Towns. And it was ordained that the Money arising from the Tenths given by the Lords in the first A Subsidy. Session of this Parliament, be paid into the Hands of the Treasurer of England. Also, in Consideration of 23,000 L due by the King to the Mayor and Merchants of the Staple at Calais, the King, by a long Act, granted [342] to them a Fifteenth, in like Manner as in the Parliament of the 7th of Edward IV.

An Historian writes, 'That, for Relief of the King's e great Necessity, a full Subsidy was granted, (for all his mighty Fortunes served only to reward the Multitude of his Adherents) and, in Recompence of the Subfidy, he granted them a general Pardon. And s indeed by that he liberally repaid them; for, by the Iate Civil Wars, the Laple into Treason was so universal, that scarce any Estate could be safe, if Licence was given to Informers, the Cormorants of a Commonwealth, who swallow much, but never grow fet: and least of all advance what they most pretend, the 'King's Benefit "

Several more Persons, by Name, are now restored in Blood to their Lands and Possessions, forfeited by Attainders; amongst whom the principal was Sir Humphrey Dacres, Son of Thomas Dacres, and Brother to Ralph late Lord Dacres, Slain at the Battle of Towton 5.

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Heinstey in Toristiere.
 Sir John Habington in Kennet, p. 459.
 He was bursed in Santon Church-Yard, where a Crave-Stone was laid over him with this Inscription :

Hic jacet Ranulphus Dominus de Dakre et - Miles, et occifus erat in Bello, Principo Henrico Sento, Anno Dom. M.CCCC.LXI. unix Die Martii, seidelicet, Dominica Die Palmarum. Cujus Anima propitietur Deus, Amene Druke's Antiquities of Vocke, Fol. London, 1736, p. 1220

K. Edward IV. who was Son and Heir to the aforesaid Thomas; and all the several Attainders against the said Ralph and Hunt-

phrey were made void. And,

The Parliament On the 8th Day of April aforesaid, the Chancellor, again prorogued after giving Thanks to the Commons for the Subfidy, by the King's Command, prorogued the Parliament to the 6th of October following: But, before they parted, it was agreed and ordained, 'That the King, on any urgent Occasion which required their Attendance, might call and re-affemble the said Parliament, giving only, by Proclamation, twenty Days Notice.'

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L. de Bruges, a
Nesberlander,
created Earl of
Winchester,

In the first Session of this Parliament a Nobleman, called Lewes de Bruges, a Netherlander, Lord of Gruthuse, and Prince of Steinbuse, came over into England, and was received by the King with all Demonstrations of Friendship; and, on the 13th of October, in the House of Lords, was created Earl of Winchester; receiving, with the Title, the antient Arms of Roger de Quincy, formerly Earl of the fame Place, with an Addition of the Arms of England in a Canton. The Reason of this so extraordinary a Favour conferred upon a Stranger, fays an Historian, was the great Respect this Nobleman shewed to Edward, when he was forced to fly his Country by the prevailing Power of the Earl of Warwick, and feek Protection from the Duke of Burgundy. This Nobleman, being of that Country, did his utmost to comfort the King, then distracted by his many Afflictions h.

A third Seffion.

At the Time appointed, viz. O.A. 6; this Parliament met again, and continued the Sitting, from Day to Day, to the 13th of December following; during which Time some more Attainders were reversed, and a Suit, or Contention at Law, was terminated between the King with the English Merchants of one Side, and the Merchants of the Hans Towns in Germany, or the Stilliards, on the other Party; and a free Intercourse between these Countries and Merchants was settled for ever. The King also confirmed to the said foreign Merchants, of the Stilliards, their old Liberties granted to all foreign Merchants of every Country by Name, by King Edward I. but afterwards particularly to these Merchants of the Stilliards, by King Edward II, wherein is to be noted

h Habington, at Supra, p. 450. Philip de Comines, Liv. III. cap. v.

the Customs they were then rated at, and the King's K. Edward IV. Grant not to raise the same; all which was confirmed

by this Parliament i.

A new Act of Resumption was also made, whereby the King took into his Hands all the Hereditaments of A new Act of the Crown, with the Duchies of Lancaster and York, Resumption. from the Feast of St. Thomas, in the Year 1473, and of which the King was seized March 4, Anno Regni 1, or what came into the King's Hands fince, by Attainder or otherwise; and a special Commission was given to the Chancellor of the Duchy of Lancaster, for assuring the Payment of certain of the King's Debts granted out of the faid Duchy under the Seal of that Office. In this is a Number of Provisions, particularly one, that the same should not prejudice the Corporation, Union, and Annexation of the Duchy of Lancaster and County Palatine, nor the Officers nor Tenants of those Districts. Several Provisions were also made to particular People, by Name, in this Commission; amongst which, says the Abridger, we must not forget one Provision for Mother Cobb, Midwife to Elizabeth, the King's best-beloved Wife, and Queen of England.

On the 13th of December the Bishop of Durham, then Chancellor of England, in the Presence of the King, Lords, and Commons, after giving Thanks, on the King's Behalf and by his Command, to the Three Estates, prorogued this Parliament, once more, to the

20th of January next coming, at Westminster.

We learn that this Parliament again affembled on the The Parliament Day aforesaid, and continued to sit till the first of Fe-meet after a third bruary; when the said Bishop of Durham, as Chancellor are again procalled the Commons before the King, and told them, rogued,

That they were then affembled to consult which Way

6 the King might proceed in the Wars; but because his 6 Majesty had yet heard nothing from his Brother the

Duke of Burgundy, relating to that Affair, whereon

much depended, it was the King's Command that this

Parliament should be prorogued from the said Day to [345']

the 9th Day of May next ensuing.'

At the Time appointed by the last Prorogation this Anno Regni 14: same Parliament met again at Westminster; and now, 1474.

1 This Instrument, of a very great Length, is printed in the Public Afts, At Westminster. Tom. 81. p. 793, &c.

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K. Edward IV. by the common Confent, the King granted to his BroGrants in this ther George Duke of Clarence, and Ifabel his Wife, and
Parliament to the to his other Brother Richard Duke of Gloucester, and
Dukes of Clarence Anne his Wife, Daughter and Heir to Richard Nevile,
and Gloucester, the late Earl of Warwick, and Daughters and Heirs AppaKing's Brothers.
rent to Anne Counters of Warwick, 'That they shall
enjoy to them, and the Heirs of their faid Wives, all
the Hereditements belonging to the faid Anne in such

the Hereditaments belonging to the faid Anne, in such Ways as if the faid Anne was naturally dead; and that their faid Wives should be of Blood to the said Anne. and enjoy all Benefits accordingly, the being for ever barred from claiming the fame k. Also that both the faid Dukes, and likewise their Wives and the Heirs of both, may make Partition of the Premisses to stand good in Law; and that the faid Dukes, or either of them, over-living his Wife, shall, during his Life, eno joy her Property: That all Alienations, Discontinuances, Charges, and Incumbrances, suffered by either of the said Dukes or their Wives, to debar the other of the faid Purparties, shall be utterly void. over, that if the faid Duke of Gloucester be at any Time hereafter divorced from the said Anne his Wife, and fuffer any such Incumbrance as above, that it shall be void. And further, that if the faid Duke Richard upon fuch Divorce, doth his uttermost to be reconciled, during his Wife's Life, that then, after the Death of his faid Wife, he shall enjoy her Purparty.'

The Effect of the Grant made to the Mayor and Company of the Staple of Calais, Anno 13 Edward IV. was in a Manner recited; and it was further enacted, That the faid Mayor, during the Term there mentioned, shall pay 1000 Marks for the Fees and Rewards of the King's Judges, Serjeants, and Attorneys.'

This Section only continued to the 28th Day of May; when the Bishop of Lincoln 1, as Chancellor,

k This Lady was Anne, the Daughter and Heir of Richard Beauchamp, Earl of Warwick, and married to Richard Novile, eldeft Son to the Earl of Balifbury, who had the Title of Earl of Warwick given him by Patent of Henry VI. in the Right of his Wife. She had only two Daughters by the faid Earl, Ifabel and Anne; the first was married to George Duke of Clarence, and the other to Edward Prince of Wales, Son to Henry VI. and, after his Death, to his Murderer, Richard Duke of Gloucester; who, as is faid, dispatched her also by Poison, to make Way for his intended Maech with his Brother King Edward's Daughter. Dugdale's Barenage, Vol. I., p. 307.

1 Thispas Reiberam, asterwards translated to Tork, Le New's Fasti, Ga.

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in the Presence of the King and the Three Estates, K. Edward IV, prorogued it to the 6th Day of June next ensuing. The Parliement At which Time, besides reversing the Attainders of a prorogued a few more Gentlemen, and some other Acts on private south Time. Affairs, a Subsidy was granted by the Commons to the They meet again a full Payment for the Wages of 13,000 Archers granted by and grant a Subset as full Payment for the Wages of 13,000 Archers granted by. City, and Town was severally taxed. And, on July 18, the asoresaid Chancellor, by the King's Command, prorogued the Parliament to the 23d Day of February next ensuing, at Westminster.

This Parliament being again affembled on the faid The fame Parlia-Day, which was still in the 14th of this King, an Or-ment meets after dinance was immediately made by them for the speedy a fish Pressure levying the Tenth, on all Revenues, granted in the 12th

Year of this Reign.

An Act was made this Session for appointing Thomas Archbishop of Canterbury, and several others, Feossess in Trust for fundry Hereditaments in the Duchy of Lancaster, to the Performance of the King's Last Will and

Testament, &c.

The House called the Style-House, otherwise the Stilliard, in the Parish of All-Hallows, in London, was, by Authority of Parliament, affigned to the Merchants of the Hans Towns, and to their Successors, for ever; together with other Tenements to the same belonging, yielding yearly to the Mayor of London 70 l, and some

other Out-payment.

On the Petition of Richard Duke of Gloucester, the King would not attaint John Nevile, late Marquis of Montacute, slain in the Battle near Barnet; but, by Authority of Parliament, he gave to the said Duke, and to the Heirs of his Body, lawfully begotten, several Honours, Baronies, Castles, Manors, and other Hereditaments, which belonged to Richard Nevile, late Earl of Warwick: And, by the same Authority, the King gave to George Duke of Clarence several other Manors, &c. in Essex, with the Mansion-House in London called the Harber, late belonging to the said Earl. Likewise, in Exchange for the Manor and Weapontake of Chesserfield and Scarsdale, in the County of Derby, and the Manor

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K. Edward IV. nor of Bushy, in Hertfordshire, allotted to Richard Duke of Gloucester and Anne his Wife, the King gave to the said Duke and Anne, in Fee, the Manor of Cottingham, in the County of York, with the Advowson of the same, which late belonged to Richard late Duke of York, the King's Father: together with the Town and Castle of Scardeburgh, with the Fee-Farm of the same, and other Liberties.

> Several other Manors are mentioned in the Records. as granted to the Duke of Clarence, in Devonshire, Somersetsbire, &c. all which were Parcels of forfeited Estates, which at this Time must greatly increase the

Revenues of the Royal Family.

Numerous Attainders, Revocations of Atøι.

The whole Business of this last Session of the Parliament seems, by the Records, to be taken up with Attainders, and revoking Attainders, Grants of forfeited tainders, Grants, Estates, &c. the fatal Consequences of Civil Wars; but it would be too tedious to mention any more of them. However, we find that in the Statute-Books are several

[348] Acts made for the Public Good, in the different Seffions of this long Parliament, to which we must also refer; and shall only observe, That, before the Dissolution thereof, the Commons made another Grant to the King Another Subfidy of one Tenth and one Fifteenth, with a Third of each

of them. Which Grant being read, and agreed to by the Lords, the Lord-Chancellor, on the 14th Day of March, Anno Regni 15, by the King's Command, re-This long Parlia turned Thanks to the Two Estates for their great Di-

nent diffulved.

ligence and Labour, and for their honest and fincere Carriage to his Majesty, in many Concessions made to him in this present Parliament, and dissolved them ".

We have not, in the Course of these Inquiries, hitherto met with a Parliament of fo long a Duration; they having fat, with the feveral Prorogations, near two Years and a Half; and it seems as if the Unsteadiness of the Times occasioned it; during which, the History of Croyland takes Notice that no less than three several Lord-Chancellors prefided. The first, adds that Authority, was Robert [Stillington] Bishop of Bath, who did nothing but by the Advice of his Disciple John [Alcock]

m Rot. Parl. 15 Edw. IV. No. p. 44.

[Alcock] Bishop of Worcester; the next was Lawrence K. Edward IV. Boothe | Bishop of Durham, who tired himself with doing just nothing at all; and the third was Thomas [Rotheram Bishop of Lincoln, who did all, and brought every Thing to a happy Conclusion.

The aforesaid Authority, contemporary with these Times, goes on and tells us, 'That the King made it his utmost Study, in this Parliament, to incite and s animate the Lords and Commons to consent to a War And that many elegant Speeches, as with France. well on the State of the Nation as on foreign Affairs. * particularly in regard of the Duke of Burgundy, were made in open Parliament. At last, every one agreeing with his Majesty's Wishes, and applauding greatly the

Royal Proposal, many Tenths and Fifteenths were granted, separately, as the Matter required, in the A large Subfidy,

Convocation of the Clergy and Assembly of the Laity, who both interested themselves in making these Con-

ceffions; belides charging their Hereditary Possessions and immoveable Goods freely with another Tenth to

fustain the Expences of the War. Neither did all these Burdens on the People seem sufficient; for a

• new, and yet unheard-of, Imposition was asked, called

a Benevolence o, whereby every one might give what And a new Imthey would, or rather what they would not. The position, called a Money, raised by all these Ways and Means, amount-Benevolence, ed to so vast a Sum, as, adds the Monk, by Way of for carrying on s

Prophecy, no doubt the like was never feen before; France,

onor, in all Probability, ever will be seen again.'

Hall, in his Chronicle, hath given us the Manner by which this new Device of a Benevolence was collected. which was begun the Year after the last Subsidy was granted p. 'The King, he says, caused his Officers to bring before him, one after another, the richest and most substantial Citizens, and to them he explained the Cause, Purpose, and the Necessity of the War begun with France, and the Weakness of his Treasury to carry it on; requiring them by the Love and Regard

Hift. Crozl. Continuatio, p. 557, 558. · So our Authority; but in the second Year of his Reign he sent out Letters, under the Privy Seal, to alk fuch a Contribution as this, to help him to raise Forces against the Scots coming in with King Henry, which

was liberally granted. Stowe's Chronicle, 416.

Hall's Chronicle, Folio ccxxvii, copied by Grafton, p. 719.

K. Edward IV. they owed their natural Prince, out of Gratitude, and Kindness to him, that they would give him freely some Aid in Money, towards the Maintenance of the War What should I say more, adds our Auand Army. thor? This Invention had its Effect. Some calling to Remembrance the Benefits received from him: fome with Shame, and some with Fear, moved and encouraged, gave liberally of their Money; which could not [350] have been otherways obtained without much Grudging and Reluctancy 4. Our Historian goes on and tells us a pleasant Story, which happened by this Way of gathering the Benevolence. 'The King had called before him a Widow Gentlewoman, much abounding in Wealth, and equally stricken in Years, of whom he only demanded what the would freely give him towards the Support of his great Charges: By my Troth, quoth the old Lady, for the Sake of thy lovely Countenance thou halt have Twenty Pounds. The King, expecting scarce half that Sum, thanked her, and gave her a loving Kifs. Whether the Flavour of his Breath, adds Hall, did fo warm her old Heart, or she esteemed the Kiss of a King fo precious a Jewel, the swore directly that he should have twenty Pounds more; which the as willingly paid as offered '.'

But leaving this new Way of raising Money, (which, by all we can find, was only practised on the richest Citizens of London, and not carried thro' the Nation) let us see what the King did with his Riches, and how they were employed abroad. Edward embarked with

Amincteriul

of Fabion writes, that the Meyor of Landon for his Part gave 30 1. each of the Aldermen 20 Marks; the Commoners, fingly, gave him the Wages of half a Man for a Year, which amounted to 4 1. II s. 4 d. Chron. Fel. 222.

r A Story, somewhat applicable to this, actually happened at Pentsfruta, in Torkhire, in the Year of King Charles the Second's Refloration. It was then thought proper, to supply the present Necessities of the King and State, to send Officers about the Kingdom, to collect what Mossey each Person would freely contribute on that Occasion; and which was also called a Benevolence. The Collectors came to the Houge of an old Lady, of the Name of Wakefield, who then lived in the Town aforesaid, and having told her their Errand. "Alas! Alas! said she, a poor King indeed, "to go a begging the first Year of his Reign! but stay, I will bestow some—"thing on him;" and telling them out ten bread Pieces, "Here, says "she, take those." The Officers were going away, very thankful for what they had got; "Hold, says the old Lady, here are ten more to bear the "Charges of the other; and then perhaps some of them may reach him."

his Forces, and landed at Calais, where he was joined K. Edward IV. by the Duke of Burgundy, who had invited him to this War; but with so poor a Reinforcement, that Edward thinking himself slighted, and fearing some Treachery, hastily concluded a Peace with the French King; and the A Peace chapped whole ended in an Interview between the two Kings; which with Prance, which was perform d at Piguigny, with great Ceremony the National

and Magnificence.

But the Nation was no ways pleased with this Piece of Pageantry; the Money, which had been squeezed as it were out of every one's Purfe, was given and granted for a quite different Purpose than to be spent in a pom-A War with France, on the old Quarrel, pous Parade. was what all wished for; and it was with great Difficulty that Edward prevented his Chief Ministers from being called to an Account at his Return, being greatly fulpected that they had been touched with French Gold, in order to advise him to consent to a Peace . An Historian remarks, 6 That furely there is some in-born Malice rancoring in the Genius of our Nation against the French, the Saxon Government having once received a final Overthrow from them, in the Conquest of Duke William, or else it would be a Wonder why the English were never sparing of their Lives or Treafure, when any War was to be advanced against the French .

The King was in his Nature fo liberal to those who had any ways befriended him, that he foon got quit of all the Treasure that was left after his French Expedition; and knowing well the Fickleness of the Nation, how prone they were to raise Insurrections, and how fond of Novelties, he durst not call a Parliament to lay on any The King's Menew Sublidy; but took other very different Ways to re-thod of raising flore his Treasury. Under the Force of a Statute, which calling a Parliehad been passed in Parliament, he first took into his own ment. Hands all the Revenues of the Crown, to whomsoever alienated, and applied them to defray the Expences of the State. Next he fix'd, in every Part of the Kingdom. Collectors of the Customs, Men well qualified for their

* Philip de Commines expresly says, That they were all at that Time Penfioners to France; and that the King of England loft more Credit, amongst his own Subjects, by this Peace, than he had gained Honour by the nine former Victories he had won. Livre IV, chep, x.

t Habington in Kennet, p. 461.

K. Edward IV. Offices, and who were hard enough on the Merchants. He loaded many Ships of Burden with the finest Woolls, Cloth, Tin, and other Commodities of the Kingdom; and, like a meer Merchant, traded to Italy and Greece with them, and had, in Exchange, the Product of those Countries. The vacant Bishopricks which had fallen into his Hands, and which, by Magna Charta, he could not make Sale of, he granted no Restitution of the Temporalities under a fixed Price. The Registers and Rolls of Chancery were strictly searched, and whosoever he found had entered upon their Estates without due Form of Law, he made them pay large Fines for their Titles. These, and such-like Kinds of Snares, which a cunning Fowler could possibly invent, he put in Practice: Add to this, the 10,000 l. a-year, by Treaty, from France, with the Tenths of all Church-Livings, from the Payment of which no Bishop or Clergyman could get excused, in a few Years filled the King's Coffers, and made him one of the richest Princes of that Age: Infomuch, adds our Authority, that, for Vessels of Gold and Silver; for Tapestry, for precious Ornaments, Robes, and Vestments; for building of Castles, Colleges, and other famous Places, none of his Ancestors could be compared to him ".

By these Means, we may suppose, the King subsisted himself, and discharged the necessary Expenses of the State, without laying any general Tax on his Subjects, or having Occasion to call a Parliament for some Time; for it was not till near three Years after the last Parliament was dissolved that we meet with any Account of another; but no Writs of Summons are given to it either in Dugdale or the Abridgement. The last Authority, however, mentions the Proceedings of a Parliament held at Westminster on the 16th Day of January, in the 17th of King Edward IV. and our Statute-Books, by a Recital of several Acts there made, confirm it.

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Anno Regni 17.

At Westminster.

At the Time appointed the Parliament met at Westminster; when Thomas Rotheram, Bishop of Lincoln, in the Presence of the King, Lords, and Commons, in the Painted Chamber, declared the Cause of the Summons under this Text, Dominus regit me, et nibil mihi deerit. Upon which he largely treated of the Obedience which Subjects

u Hift, Croyl. Cont. p. 559.

* Subjects owe to their Princes; and shewed, by many K. Edward IV

Examples out of the Old and New Testament, what

grievous Plagues had happened to the Rebellious and

Disobedient; particularizing that Saying of St. Paul, Non fine Causa Rex Gladium portat. He added, That

the Majesty of the King was upheld by the Hand and

Counsel of God, by which he was advanced to the Throne of his Ancestors.' And concluded with ob-

ferving, 'That, under the Person of the King, with the

· Persons of the Bishops and Lords, and under those of the Commons, Si Dominus eos erexerit, nihil eos deerit,

fed Loco Pascuæ illos collocabit.' Then he directed the

Commons to chuse their Speaker amongst themselves, WILLIAM ALas usual, and present him to the King; who, next Day, LINGTON, Esq. presented William Allington, Esq; for that Office, and he again chosen Speaker.

was allowed accordingly.

The first Thing we find is a Creation exemplified of Richard the King's fecond Son, being thereby made The King's fe-Duke of York and Norfolk, Earl-Marshal of England, cond Son created Duke of York and Earl of Warren and Nottingham. Likewise that the &c. King had appointed his said Son to marry with Anne, the Daughter and Heir to John late Duke of Norfolk, the faid Anne being then but fix Years of Age, and the Prince about the same. On this Declaration an Act was made, That if the said Anne should happen to die before the had Issue by the faid Duke of York, that then the said Duke should enjoy, during his Life, several Baronies, Honours, Castles, Manors, Knights Fees, and other Hereditaments by Name, in Wales, Suffex, and other Countries, Parcel of the Inheritance of the faid Anne. A Confirmation of the Jointure, rated by Particulars, to Elizabeth Duchess of Norfolk, late Wife to John Duke of Norfolk; all which Premisses, with all other Reversions of the said Duke, were granted and confirmed by Parliament to the faid Duke of York, during his Life; in which are included some Provisions for the Lord Howard, the Lord Berkeley, and others.

The Exchange of the Castle and Manor of Elvel, in Wales, belonging to Richard Duke of Gloucester and Anne his Wife, for the King's Castle and Manor of Wigmore, in the same Country, &c. was confirmed by Parliament; as also some other Privileges were granted

to the faid Duke.

· And

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E. Edward IV. And whereas the King had created George Nevile, the Moule Dake of Son of John Nevile, late Marquis of Montacute, Duke of Montacute, Duke of Montacute, Duke of Montacute, Title Bedford; the King, by Authority of Parliament, revoketh the faid Creation, and all other Titles and Honours, as well from the faid George as from the faid John .

It is necessary to expatiate a little upon this extraordinary Act of Revocation. John Nevile, second Son to Richard Earl of Salisbury, and Brother to the famous Earl of Warwick, for his good Services to the House of York, had been created Marquis of Montacute, or Monntague, by King Edward IV. and had several large and Historians are far from berich Manors given him. ing clear in the Character of this Nobleman; it is faid that when his Brother the Earl of Warwick deserted the Interest of the Duke of York, he did the same, and raised Forces in the North, and that, by both, Edward was driven out of the Kingdom. In the Parliament called on the Restoration of Henry VI. the same Authorities assure us, that the Marquis came to it, and, with many Words. endeavoured to excuse his having formerly acted for King Edward; urging, that it was really the Fear of Death only that obliged him to it; on which he obtained his Pardon, and was put upon the same Footing. for Friendship, with his Brother. But, adds one, if he had stood firm to Edward he had done Henry less Harm as an open Enemy, than a treacherous Friend, because those we are aware of seldom greatly hurt us x. within a short Time after, King Edward returning, this John privately held a Correspondence with him; and being then with a large Army at Pontfrete, he suffered Edward to pass by him without Molestation. That afterwards he outwardly made a Shew of joining with his Brother the Earl of Warwick, and the rest of the Lancastrians, at Barnet, but that he privately got on King Edward's Livery, in order to take his Part; which being discerned by some of his Brother's Servants, they forthwith fell upon him and killed him?. These last Particulars are only mentioned by Dugdale, who quotes Leland's

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This Case is cited by Mr. Pym in the Trial of the Duke of Buckingbam, Anno 2 Car. I. See Parkamentary History, Vol. VII. p. 127.

2 Porross is cum Edwards storifet, Dubio procul minus Hostis quam fucosus Amicus lassifet; queniam qua cavemus raro baudue graviter meent.—Pol. Verg. p. 521.

y Dugdale's Baronage, Vol. I. p. 308, from Leland.

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Leland's Collectanea for his Authority; but, if this had K. Edward IVe been true, his Son George, without the highest Ingratitude, had never suffered as above: For we are told that, by his Father's Attainder at this Time, he was deprived of sufficient Livelihood; and, losing all his own Honours and Titles also, he retired to Sheriff-Hutton Castle, in Yorkshire; where, Anno 1483, I Edward V. he died.

The Earl's other Brother, George Nevile, Archbishop of York, famous for his extraordinary Installation-Feast, lived some Time quietly under Edward's Government: But the King, growing jealous of him, at last seized on his Person and Essects by a Stratagem, and sent him Prisoner to the Castle of Guisnes, where he soon after died. Thus the Crime of double Persidy was amply revenged by the Destruction of this whole Noble Family.—But to return to our Parliamentary Pro-

ceedings.

To fosten the Rigour of the last Sentence, we find that some others, who had been attainted, were pardoned, and had their Estates restored to them. Principal of which was Sir Thomas Vere, Knt. Brother to John late Earl of Oxford, which Family had been strongly attached to the House of Lancaster; for, even after the Battle of Tewksbury, the said Earl and his Brothers retired to St. Michael's Mount, in Cornwall, and held it out against King Edward for some Months. The Earl himself, however, suffered severely; for though he was pardoned as to his Life, in the Parliament of the 12th of this King, yet he was made a close Prisoner in the Castle of Guisnes, and continued so to the last Year of Richard III. In all which Time his Lady was never fuffered to come to him, nor had any Thing allowed for her Maintenance; but lived upon the Charity of well-disposed People, and by what she could earn with her Needle, or other feminine Employments c.

We must not omit another Remark, viz. That the Process and Judgment against another Lady, called, in the Record, Ankerette Twiniho, for poisoning Isabel late Wise to George Duke of Clarence, and for which the said Lady had suffered Death at Warwick the Year before, were utterly repealed by this Parliament. Probably, it Vol. II.

A a being

c Fabian's Chronicle, Fol.-ccxxi.

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K. Edward IV. being found a wrong Accusation, this was to make some Amends to her Family; the seizing upon her Person, Trial, Judgment, and Death, being proved, in the Record, to have all been done by the Instigation of the Duke of Clarence.

On the Petitions of the Commons some useful Acts
were made this Parliament; as, 'That all Irish Money
'should be prohibited in this Kingdom: That it should
be Felony to carry out of England or Wales any Coin

Several useful Acts passed.

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of this Realm, or any Plate, Bullion, Jewels of Gold or Silver, without the King's Licence, &c. of against unlawful Games, such as are there call'd Klosse. Half-Bowl, Rayles, Hand-in-Hand, or Quechboard, on Pain of two Years Imprisonment, and Forfeiture of 40 l. and whosoever should suffer any other Person to olay at such Games in his House, or other Place, shall fuffer three Years Imprisonment, and forfeit 201. Iong Act for regulating Apparel, which had then grown to a very great Extravagance. An Act was made to repeal a Parliament holden Anno o Edward IV. For Anno 48 Henry VI.] with all the Acts therein made, and their Exemplifications d.' Lastly, the Abridgement mentions an Act, to continue only to next Parliament, 'To oblige all Irishmen born, or coming of Irish Parents, who reside in England, either to repair and remain in Ireland, or else to pay yearly a certain Sum, there rated, for the Defence of the same.' That an Ordinance was made for John Atwill, a Bur-

and is somewhat extraordinary at that Time.

The Reader may observe that no Supply was either asked or granted this Parliament, some other Necessities of State requiring this Meeting, and the King still sub-

gess in this Parliament for the City of Exeter, (who had been condemned in the Exchequer, on eight several Informations, at the Suit of John Taylor, of the same Town) to have as many Supersedeas as he pleased, untill his coming to his own Home. An Act of Privilege directly in the Face of the other Courts of Justice.

fifting himself on his own Revenues.

About this Time a Discord arose between the King and his Brother George, Duke of Clarence, which ended

in the Destruction of the latter.

· It

d See before in this Volume, p. 334, 359.

It was observed, says the History of Croyland , that K. Edward IV. the Duke withdrew himself, by little and little, from the King's Presence; in Council he would scarce speak a Word, nor would he willingly either eat or drink in the King's Palace. This Coldness in the Duke was thought A Quartel beby many to proceed from the general Resumption of tween the King Crown Lands, which, as has been said, the King had and his Brother practised; by which the Duke had lost the noble Lord-Clarence. Thip of Tutbury, and several other Lands which the King had formerly given him. Add to this, that, on the Death of Charles Duke of Burgundy, Mary his only Daughter and Heir, by Margaret, King Edward's Sifter, was designed by her Mother to be given to Clarence, his own Wife being newly dead; but the King, fays our Authority, not willing his ungrateful Brother should gain such a Fortune, impeded the Match so much that it never took Place; and the young Lady was afterwards married to the Emperor of Germany's Son, Maximilian. The Duke's Anger was, by this Usage, much more raised against the King, and they began to regard one another with no brotherly Aspects: Besides, Flatterers and Tale-bearers, who always haunt the Courts of Princes, by carrying and repeating Stories, made the Matter still worse between them. But the Reason of the Duke's Imprisonment is said to be this; one John Stacey, whom our Author calls an Aftronomer and a great Necromancer, was joined in Confederacy with Thomas Burdet, Eig; one of the Duke's Servants; and they were accused of compassing the Death of Richard Lord Beauchamp, at the Instigation of his Wife, an Adultress, by making of Leaden Images, and other Things to that Purpose. Stacey having passed a fevere Examination on the exercifing this damnable Art. fays the Monk, confessed many Matters both against [359] himself and against the said Burdet, who was thereupon taken up. They were both tried in Westminster-Hall, at the Bar of the King's Bench, most of the Lords Temporal fitting with the Judges, where they were Two of the late found guilty, and condemned to suffer Death for it. ter's Confede-Being drawn to Tyburn, and permitted to speak what rates executed, they pleased, Stacey said little; but Burdet, with great avowing their Polylands and many Woods, declared his Information and Innocency. Boldness and many Words, declared his Innocence, and ended

A a 2 e Hift. Croyl. Cont. p. 561, 2.

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Council-Chamber, at Westminster, and brought with him a famous Divine, of the Order of Minorets, who

K. Edward IV. ended his Discourse, adds the Monk, with these Words of Susanna, Ecce morior, cum nibil borum fecerim . The next Day the Duke of Clarence came into the

> had taken the Confession and Declaration aforesaid. and repeated it to the Lords of the Council; which as foon as he had done, the Duke withdrew. The King was at that Time at Windfor, and, when he was told this Affair, he fell into a vehement Passion at his Brother; and recollecting in his Mind all the Informations he had received against him, he summoned him to appear before him, on a Day appointed, in the Palace at Westminster, when the Lord Mayor and Aldermen of London were present; and there the King, with his own Mouth, accused the Duke of many Articles, particularly the last-mentioned; aggravating it vehemently against him, and charging the Duke with stigmatizing him as a Reprobate to the Laws of the Land, and that his Judges and Juries were equally unjust. Upon which the Duke was fent Prisoner to the Tower, from which

What followed in the next Parliament, still adds our former Authority, Mens refugit enarare; fince it was a melancholy Sight to fee fuch Discord arise between two Persons so near a-kin in Humanity; for no one charged the Duke but the King, nor no one answered the King but the Duke. Some, however, were produced, of whom it was much doubted whether they The Duke him-came as Accusers of the Duke, or Evidences for him. felf tried, con-demned, and exe- The Duke answered all Objections to his Conduct by a flat Denial; offering, if it might be granted, to defend

Imprisonment Death only freed him.

cuted.

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This Burdet is the Man whom all our later Historians particularly mention for being executed on a very trivial Accusation. King Edward. in some Progress that he made, took Occasion to hunt in this Gentleman's Park; and, amongst several Deer that he killed, shot a white Buck, which the Squire much valued: And faying that he wished the Horns of the Buck in that Man's Belly who advised the King to kill him, this was conftrued as wishing the Horns in the King's Belly, and he was executed for it. Our contemporary Historians, from whom we have quoted, mention nothing of this Buck-Affair; and old Stowe fays expresly, That he was accused of Poisoning, Sorcery, and Inchantment, heinous Crimes in those Days to be even suspected of ; for which he was attainted by Parliament, drawn to Tyburn, and there beheaded. This may therefore be looked upon as one of the partial Strokes at the House of York by the Lancastrian Writers who succeeded. Stowe's Chron. p. 430.

his Cause by Combat. Quid multis immorer? The K. Edward IV. House of Lords were of Opinion that the Evidence against the Duke was sufficient, and therefore proceeded to Condemnation; the Sentence of which was pronounced by Henry Duke of Buckingham, for that Time made Lord High-Steward of England's. Execution, however, was delayed till the Speaker of the House of Commons and his Brethren were called before the other House, when a Re-hearing of the whole Matter was made before them. The Consequence of all which was, That the Duke was put to Death, within the Tower of London, in a few Days; but what Kind of Death he suffered is unknown, Utinam Finis mali h: This is the honest Monk's Prayer, at the End of his Tragic Story. And a superstitious Person would be apt to believe that he had either foreseen or dreaded some future Mischief might happen, as indeed it did, to the two Children of this unfortunate Prince, Edward Earl of Warwick, and Margaret Counters of Salisbury; both born, says an Historian, under the same malevolent Constellation with their Father; for he lost his Head in Henry the Seventh's Time, and the her's, by Command of Henry the Eighth i.

We have chosen to translate all the abovesaid Account from the contemporary History before quoted, as the best Authority we can give of this extraordinary Pro-Add to this, that all our antient Chronicles are express that the Duke was condemned by Parliament; and yet there is not one Word of it, or of any Parliament being summoned at that Time, to be found on Record. It is probable that the great Grief, which all agree the King expressed afterwards, for suffering himself to be hurried away by Prejudice and Passion against his Brother, was the Occasion that the Process

was kept out of the Records.

But the particular Writer of this King's Life is more explicit, and hath not only laid the Death of the Duke of Clarence to the evil Machinations of his Brother

Aa 3 g Sir William Dugdale says, That the Duke was not attainted in Parliament till after his Death; but the Authority afore-quoted, which proves to the contrary, is not to be contradicted. Dugdale's Baronage,

Vol. II. p. 164.

h Most Authors agree that he was drowned in a Butt of Malmfey Wine.

i Biqudi, Vol. II. p. 66.

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R. Edward IV. Gloucester, but hath also given us the Sum and Subfiance of the Bill of Attainder against him; which, as it lays the Matter fully open, we shall give in his own Words as follows ::

The Form of Attainder against him.

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In his Attainder, according to the Form, are Crimes enough to make his Death have Appearance of Juftice; the Execution of which the King feemed rather constrained to, than to have fought. For there are reckoned up, How the Duke of Clarence, to bring the e present Government into Hatred with the People, and thereby the present State into Trouble, had not only in his Speeches frequently laid Injustice to the King's Charge in attainting Thomas Burdet falfly, convict of many notorious Treasons, but suborned many of his Servants and divers others, corrupted with Money, to divulge the like feditious Discourses: That he had foread abroad impious Rumours, that the King dealt by Necromancy; and that, upon Offence against fuch of his Subjects, whom by Order of Law he could onot destroy, he was accustomed to take them away by Poison: That he had not rested there, but, thereby to advance himself to the Kingdom, and for ever to disable the King and his Posterity from the Crown, he had, contrary to Truth, Nature, and Religion, Viper-like destroying her who gave him Life, published that the King was a Bastard, and no way capable to reign: That, to make this his fo monftrous Ambition more successful, and already to begin his Usure pation, he had caused many of the King's Subjects to • be fworn upon the most blessed Sacrament to be true to him and his Heirs, without any Exception of their Allegiance; after which so solemn Oaths, he discovered to them his Resolution to right himself and his Fol-· lowers, who had both suffered by the King's violent wresting away their Estates, and in particular to revenge himself upon the King, who (as he most impiously and falsly suggested) had, by Art-Magic, contrived to consume him, as a Candle consumeth in burning. And, what most expressed the Treason of

k Mr. Habington seldom quotes his Authorities; but this is most certainly taken from old Storue, who says he had read the Attainder, Chron. p. 430.

his Designs, that he had got out an Exemplification

under the Great Seal of Henry VI. late King, wherein K. Edward IV. was shewed how, by the Parliament, it was enacted,

That, if the faid Henry, and Edward his Son, should die without Issue Male, the Kingdom should descend

'upon the Duke of Clarence and his Heirs; whereby

[363] clearly appeared his Intention immediately to possess himself of the Crown, with Destruction of King Ed-

ward and his Children, by Pretence of a general Elec-

tion of the Commonwealth. This was the Sum of

his Attainder, which we may well believe had not fo eafily passed but by the King's public declaring himself;

' the secret working of the Duke of Gloucester; and the

' passionate urging of the Queen's Kindred. But this

Attainder hath in it one Thing most remarkable, that His Death char-6 Clarence here falfly was accused of laying Bastardy to ged on his Bro-

the King, to endeavour Possession of the Crown; which ther Richard

f afterwards was alledged indeed by Richard Duke of Duke of Glou-Gloucester, to the absolute Disinherit of the King's cester.

Sons.

It was not till five Years after the Dissolution of the Anno Regni 22. last Parliament that we meet with another on Record, which was summoned by Writs, dated at Westminster, At Westminster, November 15, in the 22d and last Year of this King, to meet at the same Place on the 20th of January following. The first Writ to the Peers was directed to his most dear first-born Son, Edward Prince of Wales, &c. the next to the King's other Son, Richard Duke of York, and the next to Richard Duke of Gloucester.

Being all affembled on the Day appointed, the Archbishop of York, Thomas Rotheram, Lord-Chancellor, opened the Seffion by a Speech, not given, on this Subject, Dominus Illuminatio mea & Salus mea. which he directed the Commons to chuse a Speaker; John Wood, who, the next Day, presented John Wood, Esq. for that Speaker. Office.

The first Thing, on Record, which was done in this Parliament, is, That the House of Commons voted a Supply; and, by the Confent of the Lords Spiritual and Temporal, a Tenth and a Fifteenth, to be levied on the Laity, was granted, except a Deduction of 6000 l.

A Sublidy.

K. Edward IV. to be bestowed on decayed Towns; also a yearly Subsidy to be levied on all Strangers, as well Denizens as
others: And, at the Request of the Commons, in Recompence of the above Grant, the King commanded
that all the Statutes, concerning Weights and Measures,
Labourers, Beggars, and Vagabones, should be proclaimed and duly observed.

A yearly Rent, or Annuity, out of the King's Cufloms and other Revenues, amounting to the Sum of 11,000 l. was fettled, by Parliament, for defraying the

King's Houshold Expences.

The rest of the Business transacted in this Parliament. which the Record gives us, was chiefly Gifts, and Exchanges of Manors and other Hereditaments in the Duchies of Cornwall and Lancaster, which would be too. tedious to mention; except that a very large Grant to Richard Duke of Gloucester, of the Wardenship of the North Marches, together with the Castles, Towns, Lordships, Customs, and Fee-Farm of Carlifle and Newcastle, with several of the King's Hereditaments, belonging to the Duchy of Lancaster, in Cumberland, and several Countries and Lands within Scotland, there mentioned, and fome Royal Prerogatives within the fame, to hold the fame of the King, by Knight's Service, was confirmed by Parliament. This extraordinary Grant, with what has preceded, were but too ungratefully repaid, as will appear in the Sequel. Also,

On some Grants, Leases, and Releases made between the King, the Abbot of St. Mary's, York, and the Prior of St. John's of Jerusalem, confirmed by this Parliament, Mr. Prynne, the Publisher of the Abridgement, remarks, That in all these Grants, as well of the said Abbot as the said Prior, they severally stile the King by these very Words, Supremus Dominus noster Edwardus Quartus, Rex. At which Time, adds he, if there was any Pope, either his Power here was very little, or

else not much regarded.'

Some Acts are also in the Statute-Books, made this Parliament, for the Advantage of the Public, to which we refer; and shall only mention one, by which all former Statutes made, touching the Excess of Apparel, were repealed; and what Kind of Apparel Temporal Men of every Degree and Estate were allowed to wear:

Alfo,

A Sumptuary

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Alib, That none, under the Degree of a Lord, except K. Edward IV.

certain Persons particularly named, shall wear any Gown, or Mantle, unless it be of such a Length that,

4 a Man standing upright, it shall cover his Privy Mem-

• bers and Buttocks m.

But, the our Records inform us of no public Affairs being transacted this Parliament, yet our Historian aforementioned is not so filent: That Authority tells us, That Edward's foreign Negotiations were driven to a very disagreeable Crisis. He now found out, that Lewis the French King had long made his Game of him; and, at prefent, feemed so much to depise his Power, that he not only withdrew the annual Tribute, but actually forbid the Marriage of the Dauphin with the Princess Elizabeth, Edward's eldest Daughter, though they had been folemnly contracted: That the Scots, having a Mind to break the Truce, first despised the Match that was agreed upon between their King and Cicely, another Daughter of Edward's, and then openly espoused the Cause of France. Other foreign Concerns, relating to his Friend the Duke of Austria, gravell'd him; nor were his domestic Affairs in any profound Degree of Tran-The King green. quillity. Under these Dilemmas, adds our Author, hely distressed, found himself necessitated to call a Parliament, to whom he opened the Cause of his Troubles, and the fraudulent Usage he had met with from the Powers above-mentioned, and begged of them to affish him to revenge the [366] Nevertheless he durst not, says the Monk, ask any Subsidy from the Commons; but took more Freedom with the Clergy, to whom he told his Necesfities in a kind Manner; and they, with as much Be-The Clergy great nignity, granted a Tenth, and were so complaisant to him a Tenth. him, that whatever the King asked they granted. Here the Monk falls into an Exclamation against such Practices; which, because it is singular in its Kind, we shall give in his own Words: O fervile, pernitiosum Exitium Ecclesiæ! Avertat Deus, ab omnibus Regum succedentium Animis Factum ejusmodi in ullam trabere Consequentiam; ne forsan ipsis ea Mala, sive deteriora, excogitare possint, eveniant, quæ mox huic Regi, & suæ clarissima Posteritati, miserabiliter evenerunt ".

T'he

m Statutes at large, Anno 22 Edward IV. cap. i.

^{&#}x27;n Hift. Croyl. Cont. p. 563.

K. Edward IV.

Names of the Peers summoned to attend a Parliament at Westminster, January the 20th, in the 23d Year of this King, wherein the first Writ is directed to his first-born Son, Edward Prince of Wales, &c. and the next to Richard Duke of York; but there are no Proceedings of such a Parliament on Record: It is probable they never met, being prevented by the last Sickness and Death of the King, which happened soon after; for he died at his Palace of Westminster the 9th of April, Anno 1483, and the 23d Year of his Reign.

The intestine Troubles that were on Foot, in this

The Death of Edward IV.

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Kingdom, when this Monarch began his Reign, and which continued, by Intervals, during the greatest Part of it, yields but small Matter for these Parliamentary Inquiries, And indeed when Edward, by many Victories, had, at length, subdued all his Enemies, we find but very few Parliaments called, in Proportion to some former Reigns. It is probable that this King had taken some Disgust against these Assemblies, by observing that they ever declared on the strongest Side; a slagrant Inflance of which was, the recognizing and swearing to defend two opposite Titles in less than the Space of six Months . It is true the Kingdom had been wasted to the very Bones, as it were, by the great Depredations, always confequential to Civil Wars; and the Commons left in fo poor a Condition that they were little able to grant Supplies; which might be another Reason why this King chose not to oppress them by Taxes, but to support himself on the Revenues of the Crown, his own paternal Estate, Benevolences from the Rich, and the Returns of Money he must necessarily acquire by Traffick in his mercantile Affairs. In relation to Trade in general, though the Reader may observe that many good Acts were made in this Reign to encourage it, particularly the Woollen Manufactory, yet most Authors have accused this King of a very salse Step, in making a Present to his Brother of Spain of some Cot/wold Sheep; the Breed of which has been very detrimental to that last-named

o See p. 334, 339. 350, 355.
p. J. Stowe, p. 4.19. A League of Friendship and Commerce having been ratisfied between King Edward, Henry King of Castile, and John King of Aragon; the former, judging it very beneficial to England, made the latter a Present of these Sheep, Anno 1465,

natural Branch of Trade ever fince: But an old Historian

has, in some Measure, cleared him from that Aspersion, by observing that, long e'er this, Sheep must have been common in Spain, as is apparent by a Patent, granted by King Henry II. Anno 1185, in the 31st of his Reign, to the Weavers of London, That if any English Cloth was found to be mixed with Spanish Wooll, the Mayor of London should see it burnt.—Thus much we have thought proper to say at the Conclusion of this Reign; but as to the Virtues and Vices of King Edward IV. in a more general Way, we leave them as they were; since it is well known that the good and bad Characters of this Prince are sufficiently discussed by other Historians.

TAXES during the Reigns of King Henry VI. and King Edward IV.

In the first Year of *Henry* VI. the Commons, with the Assent of the Bishops and Lords, granted to the King a Subsidy on Woollen or Staple Wares, viz. 33.4d. on Natives for every Sack of Wooll, and for every 240 lb. of Wooll-fells, 34.4d. Of Aliens, 43.4d. for the same. Tonnage at 3s. and Poundage at 12s. on Aliens only, for two Years to come.

In his second Year the same Tax was renewed for two

Years more.

In his third Year the former Subfidies on Woolls were granted for three Years longer, and Tonnage and Poundage for one Year, upon Condition that foreign Merchants should be strictly looked to for their Duties.

In his fourth Year the fame Subfidy on Woolls, &c. with Tonnage and Poundage, was granted for two Years,

as in the preceding Parliaments.

In his fixth Year the Parliament granted a Subfidy of 3s. a Ton for all Wine imported, and 1s. in the Pound for all Merchandize. Besides this, there was an uncommon Sort of a Tax granted by this Parliament, in the Nature of a Poll-Tax, that all Inhabitants, Housholders, within every Parish of the Realm, Cities and Boroughs excepted, so that there be ten Persons keeping House in such Parish, shall pay to the King 6s. 8d. for their Goods and Moveables: And over that every Housholder inhabiting in each Parish where there are ten of them, and whose Churches extend to the Value of ten Marks, shall pay to the King 13s. 4d. Also that every Inhabitant, Housholder,

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Houstcolder, within the Cities and Borough Towns of this Kingdom, the Value of whose Parish-Church amounts to the Sum of 20s. per Ann. shall pay to the King 2s. and so above to the highest Value of the said Churches; saving to those Cities and Boroughs their Franchises and Liberties. Also every Person, being in Possession of Freehold Lands to the Value of a whole Knight's Fee, shall pay 6s. 8d. and after that Rate to the sourch Part of a Knight's Fee, to be paid at the Times ascertained, trusting always that the Lords Spiritual will tax themselves a whole Disme, for the Desence of the King and Realm ascersaid. No Member of Parliament to be either a Commissioner or Collector of this Tax.

In his eighth Year a Supply was granted of one whole Tenth and one Fifteenth, to be levied on the Laity. The Commons, at the special Instance of the Bishop of Winchester, just then made a Cardinal, granted another Tenth and a Fisteenth, to be levied as above. They also gave the King a Grant of Tonnage and Poundage,

to continue till the next Parliament.

In the same Session they gave the King the like Subfidy on Woolls as was granted in former Parliaments, for two Years. And at the same Time they consented to shorten the Payment of the last Tenth and Fisteenth,

to relieve the preffing Necessities of the State. -

In his ninth Year the Parliament granted a Supply of one Tenth and one Fifteenth, and a Third of both; they also gave Tonnage and Poundage for two Years, with a Subsidy of the like Value on all Merchants Aliens, over and above the said Tonnage and Poundage. The Commons also granted to the King 20s. from every Layman holding a Knight's Fee, and according to that Value under or over. The same from the Clergy for all Lands purchased since the 20th of Edward I. And that all other Persons, having Hereditaments to the Value of 20s. over all Reprizes, not held as above, shall also pay 20s, and so according to that Rate: But this was afterwards given up by the King.

In his tenth Year he had half a Tenth and half a Fifteenth; also one Year's Subsidy on Woolls, at five Nobles a Sack, and on every 240 Wooll-fells; and the same Tonnage and Poundage as in the last Parliament. But he released the Increase of 6 d. in the Pound on

Merchant Strangers.

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The

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of ENGLAND.

The twelfth Year the Parliament granted a Tenth and a Fifteenth, to be levied on the Laity. They likewife granted the same Tonnage and Poundage given the last Year, for two Years to come; as also a Subsidy of 53s. 4d. on every Sack of Wooll for three Years entuing; and, besides this, a Vote of Credit of 100,000 Marks.

In his fourteenth Year a very unusual Subsidy was granted, viz. That every Person holding any Frank Tenant in Lands, Annuities, Fees, Offices, or Hereditaments, above the yearly Value of 51. should pay 6 d. for every Pound upon his Oath. From 51. to 1001. yearly, the same; from the last Sum to 4001. per Ann. 8 d. a Pound; and above that to the highest Value, 2 s. for every Pound. They also granted to the King a sull Tenth and a Fisteenth on the Laity. A Subsidy also on every Sack of Wooll; 33 s. 4 d. from Merchants Denizens, and 46 s. 8 d. from Aliens; and so according to that Rate on the other Staple Ware, with Tonnage and Poundage for two Years.

In his fifteenth Year the Subfidies granted were the like Tenth and Fifteenth as in the last. Also the same Subsidy on Woolls, with Tonnage and Poundage, &c. was granted for three Years to come. A Vote of Credit

also for 100,000 %.

In his eighteenth Year a Tenth and a Fifteenth, and half a Fifteenth and a Tenth, was granted to be levied on the Laity, as in his fourth Year. An Impost on Woosls was also granted for three Years; and that all Aliens, not Denizens, Men or Women, within the Realm, should pay to the King yearly 16 d. for each, being an House-keeper; being none, 6 d.

In his twentieth Year a Tenth and a Fifteenth; referving 4000 l. out of this Tax for decayed Towns and Villages. The same Subsidy on Woolls, &c. as in the

last, for two Years next coming.

In his twenty-third Year half a Tenth and half a Fifteenth was granted by Parliament. Before this Parliament was dissolved there was also granted by it a whole Fifteenth and a Tenth, and a Half of each; referving 6000 l. out of the former, and 3000 l. from the latter, for the Relief of poor Towns, desolate, wasted, or destroyed. Tonnage and Poundage, as before, was settled for three Years to come.

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In his twenty-seventh Year a Grant of half a Tenth and half a Fisteenth, to be levied on the Laity, passed both Houses; with a Grant also of Tonnage and Poundage, for five Years to come, on all Merchants whatsoever, with an Addition of 31. more on Aliens, as well of the Hans Towns as otherwise. Another Grant was also made of half a Tenth and half a Fisteenth. Likewise a Poll-Tax was again renewed and granted to the King of 16 d. to be taken of every Housholder within the Realm, not born within the King's Dominions, and 6d. of every other Person so born, and no Housholder; with 6s. 8d. of every Merchant Stranger, and 20d. of their Clerks. Lastly, the like Subsidy on Woolls was granted for sour Years, as before.

The next Year the following Subsidy was granted, viz. That every Person having, by free Deed, Copy, Grant of Annuity, or Office, the clear yearly Value of 20s. in Frank Tenement, should pay 6d. and fo from 20s. to 20l. From 20l. to 200l. yearly, 12d. In the Pound: From 20ol. and upwards, 2s. for every Pound, 2s well Laity as Clergy; Guardians of Wards, Men having Fees, and all Corporations, to pay accordingly.

In his twenty-ninth Year he had a Grant of 20,000 l. out of the Customs of London and Southampton; and a very extraordinary Monopoly was granted, in order to raise Money.

In his 30th and 31st Years this King had granted him one whole Fisteenth and a Tenth; reserving 60001. for the Relief of poor Towns, &c. Tonnage and Poundage at 4s. with 2s. on every 20s. Value of Tin, to continue during Life. A Subsidy on Woolls was also granted, viz. 43s. 4d. for every Sack, the same on 240 Wooll-sells, and for every Last or 100 Hides, 5 l. on Denizens. On Strangers 5l. for Wooll, the same for Wooll-fells, and 5l. 6s. 8d. on the Hides. Also Alien Merchants, residing in this Kingdom, were taxed at 40s. a Head per Ann. and if they staid but six Weeks, 20s. All these to continue for Life. In a second Session the same Year, half a Tenth and a Fisteenth.—No more Taxes in this Reign.

In the Public Acts is a Licence from the King to one John Misselden, and three of his Servants, to carry on a Process in Alchemy for the Transmutation of Metals, or

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to find out the Philosopher's Stone. There are no less than three Licences before, in this Reign, to different People, for this Piece of Folly or Knavery, which was still carried on to much greater Lengths in later Reigns. This Grant is specified, at the End, to be done by the King, with the Authority of Parliament, which shews the Ignorance and Credulity of that Age d.

But, in another Licence granted to John Fauceby, John Kyrkby, and John Rayny, about four Years after,

this Mystery is farther explained in these Words:

Cum antiqui sapientes & famosissimi Philosophi, in Licence from fuis Scriptis & Libris, sub Figuris & Integumentis, do. King Henry VI. tuerint & relinquerunt, ex Vino, ex Lapidibus pretioss, to find out the ex Oleis, ex Vegetabilibus, ex Animalibus, ex Metallis, Philosopher's & ex mediis Mineralibus multas Medicinas gloriosas & Stone. notabiles confici posse; & præsertim quandam pretiosissimam Medicinam, quam aliqui Medicorum Philosophorum Matrem, vel Imperatricem Medicinarum dixerunt; alii Gloriam inestimabilem eandem nominarunt; alii, vero Quintam-Essentiam, aliis Lapidem Philosophorum & Elixir Vitæ noncupaverunt; cujus Medicinæ Virtus tam efficax & admirabilis existeret, qued per eam quæcunque Infirmitates curabiles curarentur faciliter, Vita humana ad suam prorogaretur Terminum, & Homo in Sanitate & Viribus naturalibus, tam Corporis quam Anima, Fortitudine Membrorum, Memoriæ Claritate, & Ingenii Vivacitate, ad eundem Terminum mirabiliter præservaretur:, Quæcunque etiam Vulnera curabilia sine Difficultate sanarentur, quæ, insuper, contra omne Genus Venenorum, foret summa & optima Medicina, sed ad alia plura commoda, nobis & Reipublicæ Regni nostri utilissima, per eandem fieri possent, veluti Metallorum Transmutationes in verissimum Aurum & finissimum Argentum, &c.

Teste Rege apud Westmonasterium, 23 Aprilis, 1456, per ipsum Regem, & de Auctoritate Parliamenti .

EDWARD IV. had no Subfidy granted him till the third Year of this Reign, when the Parliament gave him an Aid of 37,000 l. to be levied according to a certain Rate: But he aftewards released 6000 l. of the said Grant.

The.

d Fæd. Ang. Tom, XI. p. 309. e Ibid. p. 379.

The Parliamentary HISTORY

The next Year he had Tonnage and Poundage of every English Merchant, for every Sack of Wooll, 33s. 4d. For every 240 Wooll-fells, 33s. 4d. For every Last of Hides, 3l. 6s. 8d. And of every Merchant Stranger, whether Denizens or not, for every Sack of Wooll, 3l. 6s. 8d. For every Last of Hides, 3l. 13s. 4d. For every 240 Wooll-fells, 3l. 6s. 8d. And all this was granted him for his Life.

In his eighth Year he had a Subfidy of two whole Tenths and two Fifteenths, to be levied on the Laity. This Year *Henry* VI. was restored; but soon after Ed-

ward recovered the Crown; and

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In his twelfth Year the Commons voted a Supply of 13,000 Archers at their own Cost, the same to be levied according to a Proportion out of all Lands and Tenements. The Lords also taxed themselves by Way of Grant unto the King, towards furnishing the Forces aforesaid, the tenth Part of one whole Year's Revenue of their Lands and Possessins.

In his thirteenth Year the Commons granted the King

one Tenth and one Fifteenth.

The next Year a Subsidy was granted by the Commons of a Tenth and a Fifteenth; also 51,1171. 4s. 7 d. for the Wages of the 13,000 Archers voted in his 12th Year.

In his fifteenth Year he had a Tenth, a Fifteenth, and a Third of each; befides this, the King raised Money after a new Invention, called a Benevolence.

In his twenty-second Year he had a Tenth and a Fisteenth granted him, to be levied on the Laity. The

Clergy also granted a Tenth.

The Price of Provisions, Labour, &c. during the Reigns of Henry VI. and Edward IV. by which a better Idea may be formed of the Value of the foregoing Taxes.

N the Year 1423 Wheat fold for 8 s. a Quarter, and

Malt for 5 s. f

In 1425 a Colt fold for 8s. Peafe for 2s. 2d. a Quarter, and for $3\frac{1}{8}d$. a Bushel; an Ox's Hide for 2s. 5d. a Cow's Hide for 1s. $3\frac{1}{2}d$. and for 1s. $7\frac{1}{2}d$. a Calf's Skin

f Fabian's Chronicle.

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Skin for 1 d. twenty-one Lambs for 4s. a Dozen of Sheep Skins for 3s. a Tod of pure Wooll for 9s. 6d. nineteen Ells of Napkin Cloth fold for 5s. a Gallon of Ale for 1 & d. Red Wine at 8 d. a Gallon, or Flaggon; Sweet Wine at 1s. 4d. a Stone-Cutter for a Day's Labour 4d. a Tyler $3\frac{1}{2}d$. a Sawyer 4d. for twenty Pullets 1s. 8d. for a Quarter of an Ox to falt 1s. 4d. for a Cade of Red Herrings (720 the Cade) 8s. for a Frail of Figs 3s. 4d. for twelve Pounds of Raisins 1s. 1d. for a great Flesh-Ax is. 4 d. for two Yards of Russet Cloth for the Shepherd 2 s. 2 d. for four Quarters of Wheat to be malted 16 s. for a Bay Horse for the Prior's Stable 11. 6s. 8d. for two Colts 9s. for thirty Pair of Autumnal (Winter) Gloves for the Servants 4s. to the Baker's Servant for ten Days 1 s. for threshing a Quarter of Wheat 31 d. for eight Woodcocks for a Prefent 1 s. for twelve Pair of Gloves to the Bishop of Worcester's Servants 5 s. for one Man plowing and harrowing twelve Days 1 s. b

In the Year 1426, five Oxen, each apprais'd at 3s. 4d. fix Cows, each at 2s. 8d. three Horses, each at 3s. c

In 1435 and 1436, Wheat, on account of a wet Autumn in 1434, fold for 11. 6s. 8d. but the Year following it fell to 5s. 4d.

In 1439, Wheat fold for 20s. a Quarter d; and also

in some Places for 11. 6s. 8d.c

In 1440, the Scarcity still continuing, Wheat sold for 11. 4s. a Quarter; and Malt for 13s. Oats 5s. 4d. Wine 1s. a Gallon; and Bay Salt 1s. a Bushel.

From 1444, we have the following Account by Bishop Fleetwood, viz. For an hundred Quarters of Wheat 211. 135. 4d. each Quarter at 4s. 4d. for two Bushels of Wheat for Seed 1s. for two Bushels of Pease for Seed also 1s. for five Quarters of Pease 15s. each Quarter at 3s. for fity Quarters of Malt 10l. each Quarter at 4s. for six Calves 12s. each Calf at 2s. for eight Porkers 1l. 4s. each at 3s. without the Head; for 40 Geese 10s. each Goose at 3d. for 31 Dozen of Vol. II.

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b From a Computus of the Prior and Canon of Burcester, Co, Oxon. in Konnet's Parochial Antiquities.

c Spelman's Gloffary, under the Word Graile.

d Stowe's Chronicle.

[·] Fabian.

f Chronicon Pretiofum.

Pigeons 10 s. 8 d. each Dozen at about 4 i d. for 15 Dozen of Pigeons 7 s. 6 d. each Dozen at 6 d. for 100 Dozen of Pigeons, each Dozen at 5 i d. for an Ox 1 l. 11 s. 8 d. for 8 Cygnets, or young Swans, each 3 s. for a Flitch of Bacon 1 s. 8 d. for 4 Oxen, young and lean 52 s. each at 13 s. for 26 Warp of Ling 1 l. 10 s. 4 d. for 100 Stock-Fish 17 s. 6 d. for a Barrel of Herrings, i. e. 30 Gallons fully packed, 1 l. for two Plough-Oxen 1 l. 3 s. for a Quarter of Oats 1 s. 8 d. for three Bushels of Green Pease for Seed 2 s. 3 d. At this Time it appears that Master-Traders wrought by the Day at 3 d. and their Labourers or Servants at 1 d. but then it is believed they had their Meat and Drink. The yearly Wages were, some 1 l. 6 s. 8 d. others 1 l.

In 1445 feven Quarters and a Half of Wheat came to 30 s. which is, each Quarter at 4 s. 6 d. Oats, by the Quarter, at 2 s. twelve Flaggons, or Gallons of Ale, 1 s. 6 d. each Gallon at 1 d. Hay, by the Load, 3 s. 6 d. for 3000 Red Herrings 1 l. 11 s. twenty-four Bullocks and Heifers 6 l. each Head at 5 s. Cloth for Surplices for Scholars, the Ell at 8 d. This was the same as used at the Altar, and therefore in those Days was certainly fine.

In a Statute made 24 Henry VI. 8 for regulating Servants' Wages for Husbandry, it was enacted, That the Wages of a Chief Bailiff of Husbandry, by the Year, should be 24 s. 4d. Cloathing of the Price of 5s. with Meat and Drink; of a Chief Hind, Carter, or Chief Shepherd, 20 s. Cloathing of 4s. Price, with Meat and Drink; of a common Servant for Husbandry 15s. and Cloathing of the Price of 40d. a Woman Servant 10s. Cloathing of the Price of 4s. with Meat and Drink; of a Child, within the Age of 14 Years, 6s. Cloathing 3s. with Diet. The same Rules to be observed in the Servants to Innkeepers, Victuallers, and Artificers in Cities, Towns, and elsewhere.

The Wages of any Free-Mason or Master-Carpenter, by the Day, not to exceed 4d. with Meat and Drink; without, 5½d. Labourers, by the Day, 2d. with Eating; without, 3½d. in Harvest the Wages of a Mower, by the Day, 4d. with Meat and Drink; without, 6d. a Man Reaper, or Carter, was to have 3d. a Day, with Eating, and 5d. without; and, lastly, a Woman Labourer,

2 Rot. Parl. 24 Henry VI, No. 44. 1446.

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bourer, or other Labourers, in Harvest, was allow'd 2½d. a Day, with Meat and Drink; without, 4½d.

In 1447, Wheat, by the Quarter, 8 s. Oats, the

Quarter, 2 s. 11 d.

In 1448, Wheat, by the Quarter, 6 s. 8 d. Oats, the Quarter, 2 s. a Cade of Red Herrings 5 s. 8 d. a Barrel

of White Herrings 9 s. 3 d.

In 1449, Wheat, by the Quarter, 5s. a Cade of Red Herrings 6s. a Barrel of White Herrings 10s. 3d. fifteen Sheep at 1l. 16s. 10d. each Sheep at (within $\frac{1}{2}$) 2s. $5\frac{1}{2}d$. feven Hogs at 13s. 8d. each Hog at (within $\frac{1}{2}$) 1s. $11\frac{1}{2}d$.

In 1450, Oats, the Quarter, 1 s. 10 d. Beans, the

Quarter, 2s. 6d.

In 1451, Wheat, by the Quarter, 8s. Oats, the Quarter, 10s. 10\frac{1}{2}d. twenty-fix Gallons of Ale 3s. each Gallon at 1\frac{1}{2}d. Beans, the Quarter, 3s. 4d. for a Cade of Red Herrings 7s. 4d. for a Barrel of White Herrings, 13s. 7d.

In 1453, Wheat, by the Quarter, 5s. 4d. Ale, per Gallon, 14d. a Cade of Red Herrings 7 s. 6d. Four-

score White Herrings 1 s.

In 1454, Oats, by the Quarter, 1s. 101 d.

In 1455, Wheat very cheap, the Quarter, 1 s. 2 d.

Malt, the Quarter, 1s. 5d.

In 1457, Wheat, the Quarter, 7 s. 8 d. Oats, the Quarter, 1 s. 9 d. a Gallon of Ale 1 d. a Cade of Red Herrings 6 s. 8 d. ninety-two White Herrings 1 s.

In 1459, Wheat, by the Quarter, 5s. Oats, the Quarter, 8s. 10 d. a Gallon of Ale 1 d. a Cade of Red Herrings 7s. 10 d. ninety-two White Herrings 1s.

In 1460, Wheat the Quarter, 8 s. Oats, the Quarter, 2 s. a Gallon of Ale 1 d. a Cade of Red Herrings 7 s. 192 White Herrings 2 s.—Here the Bishop takes Notice, that, from 1440 to 1460, Wheat was never above 8 s. the Quarter, notwithstanding the Sword was drawn betwirt the Houses of York and Lancaster, which usually cuts down Corn as well as Men.

An. 2 Edward IV. 1462, an Act was made against the Importation of foreign Corn, when the Price of Wheat did not exceed 6 s. 8 d. a Quarter, Rye 4 s. and Bar-

ley 3 s. h

B b 2

In

h Rot, Parl. 2 Edward IV.

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In 1463 Wheat fold at London for 2s. a Quarter; Barley at 1 s. 10 d. Pease 3 s. 4 d. Oats 1 s. 2 d. Also the same Year, in Norfolk, Wheat fold for 1 s. 8 d. Barley Is. Malt Is. 8 d. Oats Is. 1

In 1464 White Wheat fold for 6s. 8d. a Quarter k. In 1475 Oats fold for 1s. 10d. a Quarter, and a Load of Hay for 6 s. 8 d. 1

[376] K. Edward V.

MY the Death of King Edward IV. the first Prince of the York Line, the Inheritance of the Crown descended, by Right of Succession, to his eldest Son, Edward, then Prince of Wales; who, from the Day of his Father's Death, was stiled King of England, and proclaimed as such, by the Name of Edward V. being then about thirteen Years of Age.

His Accession,

This is the Preamble that the great Sir Thomas More gives to his Life and Reign of this unfortunate young King; whose State and Dignity was soon undermined by his unnatural and barbarous Uncle, Richard Duke of Gloucester. The short Reign, if we may so call it, of this Prince, was fo wholly taken up with the wicked Intrigues of his Uncle to disposses him, that no Parliament could be called; for he was not even suffered to live to Therefore, his Coronation.

To the particular Writer above-mentioned of this King's Life, and to the more general English Historians, we must refer our Readers; since all that was done in this short Interval of Sovereignty, relating to our Purpose, will be comprized in the Reign of the Successor, this young King and his Brother being both taken off, by

cruel Means, to make Way for him.

Edward V. begun his Life, and ended it, in a very unhappy Manner; for he was born in a Sanctuary, and died in a Prison. He first faw Light in Westminster Abbey, where his Mother had taken Sanctuary after the Earl of Warwick had driven her Husband, Edward IV. out of the Kingdom in September, 1470; and he was murdered in the Tower of London, in July, 1483, 2 little while after his Uncle Richard's Coronation.

And Murder.

RICHARD

i Stowe's Chronicle.

k Rot. Parl. 4 Edward IV. 1 Fleetwood's Cbron. Pretiosum.

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RICHARD III. waded to the Throne through K. Richard III. almost an Ocean of Blood, drawn from his nearest Relations; how long his ambitious Designs had been fettled in his Breast is uncertain; but it is probable they had been a great while resident there, and at length had brought him to a fixed Determination of obtaining the Crown at any Price. It is more than suspected that he had a principal Hand in bringing his Brother Clarence to his Death; and, by gaining an Act of Attainder to pass against him, this Duke's Children were effectually cut off from succeeding to the Crown m. A Bulwark fo formidable being removed, Richard's next Step, after his Brother King Edward's Death, was to try to get his Children declared illegitimate; to put to Death all their Relations by the Mother's Side; and, lastly, to make sure Work, to have the two young Princes murdered as aforesaid. These Obstacles being all taken out of his Way, it is certain that Richard's Title to the His wicked Con-Crown was uncontested; being then the only remain-cure the Crown ing Male Heir that could inherit from his Father Rich- to himfelf. ard Duke of York, on whom, and his Descendants, the Crown had been intailed by Act of Parliament. There was indeed one more Impediment to his Happiness left; and that was the Princess Elizabeth, eldest Daughter to Edward IV. and his own Neice: But he had well contrived a Solution for this Difficulty, tho' not fo cruel as the former in the Main; for tho' he was obliged to destroy his own Wife " to effect it, yet his Design was to marry his Neice Elizabeth himself, in order to prevent any other Person from doing it; and thereby to raise up still disputed Titles to the Crown. But more of this in the Sequel.

The very first Year of Richard's Reign was much disturbed by a dangerous and powerful Conspiracy formed against him, at the Head of which was the Duke of This Lord had been the chief Instrument Buckingham. in raising Richard to his present Greatness; but, as some relate, because he would not consent to the Murder of B b 3

m See before, p. 361, 373.

n She was Daughter to the famous Earl of Warwick, first married to Edward Prince of Wales, and afterwards to this Monster of Mankind, one of her Husband's Murderers. The Courtship, on this extraordinary Occasion, between Richard and the Widow, is finely drawn up by Shakespear in his Tragedy of Richard III.

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K. Richard III. the two young Princes, and being denied the Earldon and Inheritance of Hereford, which he claimed by Promile, he abruptly left the Court: Soon afterwards, in order to fecure himself from Richard's Malice, who now watched all Opportunities to destroy him, he readily A Conspiracy against him, in joined with those who had engaged in a Conspiracy to Favour of Henry dethrone Richard and set up the Earl of Richmond, the Earl of Richmond, only remaining Branch of the Lancastrian Family; and, by a Marriage of this Prince with Elizabeth, the late King's Daughter, perfectly to reconcile and confolidate the White and Red-Rose Factions. To this End the Duke of Buckingbam raised Forces; but was soon, by

an unforeseen Accident, prevented from effecting any Thing; forced to fly for Security to the House of an old Servant, who betrayed him to Richard; and, at Salisbury, lost his own Head, as an Attonement for the Crime he had committed in fetting a Crown on the Head of his Adversarv.

In the short Reign of this King we meet but with one Anno Reghi I. 1484. Parliament, which was called to Westminster, January At Westmirster. the 23d, in the first Year of it. The Form of the Writ of Summons, directed to Thomas Archbishop of Canterbury, the rest of the Bishops, Abbots, Priors, &c. and to the Temporal Lords, is as usual; the first Writ, to the latter, is directed to his most dear first-born Son, Edward Prince of Wales, Duke of Cornwall, and Earl of Chester. This Prince, who was then about ten Years of Age, had been so created at York, some Months be-[379] fore, at his Father's fecond Coronation in that City o. He enjoyed this Dignity but for a small Time, for he died the next Year; and lived not to see his Father's dismal Catastrophe, nor to taste perhaps of greater Mi-

Dugdale's Catalogue, are as follow:

fery himself.

John Duke of Norfolk, Henry Earl of Northumber-John Duke of Suffolk. land. William Earl of Arundele. William Earl of Hunting-Edmund Earl of Kent. don, Ralph Earl of Westmoreland, Thomas Earl of Surrey, William

The rest of the Peers, as they stand in

· See a particular Account of this King's Coronation at York in Drake's Eboracum, p. 117.

William Earl of Nottingbam, Francis Viscount Lovel, Edward Viscount Life, Ralph Lord Greystock, Fohn Lord Scrope, of Melbam, Richard Lord Bequebamp, of Beauchamp, John Lord Audley, George Lord Nevile, of Bergavenny, Reginald Lord Grey, of Wilton. George Stanley, Lord de la Strange, Henry Lord Grey, Richard West, Lord de la War, Walter Devereux, Lord Ferrers, John Lord Scrope, of Bolton.

Thomas Lord Lumley, of K. Riebard III. Lumley, Thomas Lord Stanley, of Stanley, John Broke, Lord Cobham, John Blount, Lord Mount-10y, John Stourton, Ld. Stourton, John Sutton, Lord Dudley, John Lord Dynham, of Care-Dynham, Richard Lord Fitz-Hugh. John Lord Zouch, Thomas Arundele, Lord Maltravers. Humphrey Lord Dacre, of Gilsland, John Lord Gray, of Powis, William Lord Hastings, of Welles, Owen Lord Ogle, of Ogle, Edward Lord Hastings, of Hungerford.

The Names of the Judges summoned also to this Parliament were these: [380]

Sir William Husee, Knt.
Chief Justice,
Sir Thomas Brian,
Sir Guy Fairfax,
Sir William Jenny,
Sir John Catesby,
Sir Roger Townsend,

Sir Richard Neal,
Sir Thomas Tremayle,
Sir John Vavasour,
And
Morgan Kidwelly, Esq; the
King's Attorney-General.

On the Day appointed, viz. Jan. 23, Anno Regni I, the King being feated on his Throne in the Painted Chamber, within the Palace of Westminster, the other two Estates of the Realm attending, the Venerable Father John Bishop of Lincoln², then Chancellor of England, opened the Session with a Speech, taking for his Text, In Corpore multa quidem sunt Membra, non autem

a This Bishop of Lincoln was John Russel, who occurs Bishop in 1480, 20 Edward IV. and died so Anno 1494. Le Newe's Fasi.

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J / "

K. Richard III. omnia eundem Actum habent. In which Words, fays the Record, the Duty and Fidelity which Subjects owe to their King as their principal Member, he very learnedly and politely shewed.—The rest of this Speech is so obliterated in the Original, that very little Sense can be made of it: Only that, at the Conclusion, he told the House of Commons the King commanded them to go and chuse a Speaker, and present him to his Majesty for his Approbation.

The Receivers and Triers of Petitions being appointed, as antiently, on the fourth Day of the Meeting the Commons presented William Catefby, Esq. for their Catesby, Esq.; whose Excuse for Insufficiency not being chosen Speaker, allowed, he made the usual Protestation, and was con-

firmed.

The next Thing we find on Record in the Proceedings of this Parliament, is the Grant of a Subfidy; which, according to the antient Custom of Parliaments, is put down first, though it was the last Act done in it: For we are told in the Preamble to this Grant, that it was presented to the King by William Catesby, Esq; the Speaker of the Commons, by and with the Consent of the Lords Spiritual and Temporal, on the 20th Day of February, which is there said to be the last Day of the Sitting of this present Parliament.

By this Act, in whose Preface it is said to be For the Worship of God, the Commons granted to the King a Subfidy called a Tonnage, to be taken in Manner and Form following; that is to fay, 3s. of every Ton of Wine imported, and for every Ton of sweet Wine brought in by any Merchants Alien, 6 s. to have and receive yearly the faid Subfidy for the Term of his Life. Moreover, the Commons, with the Assent aforesaid, granted another Subfidy called Poundage, which was of every Sort of Merchandize, imported or exported by any Merchant, Denizen or Alien; of the Value of twenty Shillings, 12 d. except Tin; on which was laid a Tax of 2 s. on every Pound Value of that Commodity for Merchant Strangers, and 12 d. for Denizens, to be enjoyed also for Life. By this Act there was also granted a Subsidy on Wooll, Wooll-fells, and Hides exported; that is, on every Sack of Wooll, 33 s. 4 d. for every 240 Wooll-fells, the fame; and for each Last of Hides, 31. 6s. 8d. A double

A Subfidy.

double Sum on the two first Articles for Alien Mer-K. Richard III. chants, with 31. 135. 4d. for Hides; with two Provisoes to except out of this Act the Merchants of Spain and those of the Hans Towns in Germany, having a House in London, commonly called Guildhalla Teutonicorum.

Next, after the Grant of this Subfidy, on the Record, follows the Act of Settlement of the Crown on this King and his Issue, with a long Recapitulation of his Title to it, &c. We chuse to give this at large, as well for the Rarity of it, as because it is not taken Notice of, except by one 2, by any Writer of English History whatsoever. In the Abridgement of the Parliament Rolls in the Tower of London, it is given as the last Article; but not ushered in by Writs of Summons, Names of the Peers, nor Speech from the Throne, or from the Lord-Chancellor, declaring the Cause of the Meeting. Neither is there any Speaker of the House of Commons named, nor any Tax or Subfidy mentioned; most or all of which we have supplied from the Roll itself, as is before given. There are, however, in the Abridgement, fome Marginal Notes, added by Mr. Pryane, which amply shew his great Zeal, and which we shall subjoin to this Act.

Anno primo RICHARDI Tertii,

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In Rotulo Parliamenti tenti apud Westm. Die Veneris vicessimo-tertio Die Januarii, Anno Regni Regis Richardi Tertii primo, inter alia continentur ut sequitur.

Memorandum, Quod quædam Billa exhibita fuit coram Domino Rege in Parliamento prædicto, in bæc Verba:

Hereas late heretofore, that is to fay, before the Confecration, Coronation, and Inthronization of our Sovereign Lord King Richard III. a Roll of Parchment, containing, in Writing, certain Articles of

a John Speed, p. 713. This Author concludes his Abstract of this Bill with this Remark: 'These Things I have laid forth, more at large, out of the Parliament Roll, that ye may understand both what and how great Matters the Power of a Prince, the outward Shew of Virtue, the wily Fetches of Lawyers, fawning Hope, pensive Fear, Desire of Change, and goodly Pretences, are able to effect in that most wise Assembly of all the Estates in the Kingdom, even against all Law and Right; so the Saying of Solomon in this State seemed most true, That a living Dog is better than a dead Lion.'

K. Richard III. 6 the Tenor under-written, on the Behalf, and in the Name, of the Three Estates of this Realm of Eng-16 land; that is to fav, of the Lords Spiritual and Temporal, and of the Commons by Name, and other Nobles and notable Persons of the Commons in great Multitude, was presented and actually delivered unto our faid Sovereign Lord, the Intent and Effect express'd at large in the same Roll; to the which Roll, and to the Considerations and instant Petition comprized in * the same, our said Sovereign Lord, for the public Weal and Tranquillity of this Land, benignly affented. Now, forafmuch as neither the faid Three Estates.

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e neither the faid Persons, which in their Name presented and delivered, as it is aforefaid, the faid Roll unto our faid Sovereign Lord the King, were affembled in Form of Parliament; by reason whereof divers Doubts, Questions, and Ambiguities being moved and ingen-A Petition pre- c dered in the Minds of divers Persons, as it is said b:

fented by feveral Lords and Com-Parliament.

'Therefore, to the perpetual Memory of the Truth. monsout of Par- 4 and Declaration of the same, be it ordained, provided, liament to Rich- and established in this present Parliament, That the ard, when Duke Tenor of the faid Roll, with all the Contents of the clared as valid as 6 fame, presented as is abovesaid, and delivered to our though done in above said Sovereign Lord the King, in the Name and in the Behalf of the faid Three Estates out of Parliament be now, by the faid Three Estates affembled in this present Parliament, and by Authority of the fame, ratified, inrolled, recorded, approved, and authorized, to the removing of the Occasions of Doubts and Ambiguities, and to all other lawful Effects that fhall now thereof enfue; fo that all Things faid, affirmed, specified, desired, and remembered in the said Roll, and in the Tenor of the same, under-written in the Name of the faid Three Estates, to the Effect expressed in the said Roll, be of the like Effect. Virtue. and Force, as if all the same Things had been so said, affirmed, specified, and remembered in full Parliament, 4 and by Authority of the same accepted and approved:

b Things done and concluded without the Three Estates in Parliament give little or no Satisfaction to the People, tho' in the Name of the Parliament and the Three Estates. Mr. Prynne's Notes.

c The Three Estates must concur to make a Pailiament, else his Title would neither be valid nor fatisfactory, but ambiguous as before, no one or two of them being a full or real Parliament, but all conjoined. Ikid.

The Tenor of the said Roll of Parchment, whereof K. Richard III. above is made Mention, followeth, and is such. 1 387]

To the High and Mighty Prince RICHARD, Duke of GLOUCESTER,

Deafeth it your Noble Grace to understand the The Petition its

Considerations, Election, and Petition under-felf, written, of us the Lords Spiritual and Temporal, and

* Commons of this Realm of England, and thereunto

sagreeable to give your Assent to the common and public Weal of this Land, and to the Comfort and

• Gladness of all the People of the same d.

First, 'We consider how that heretofore, in Time 5 past, this Land for many Years stood in great Profperity, Honour, and Tranquillity; which was caufed for so much as the Kings reigning used and sollowed the Advice and Counfel of certain Lords Spiritual 5 and Temporal, and other Persons of approved Sageness, Prudence, Policy, and Experience, dreading 6 God, and having tender Zeal and Affection to indiffefrent Administration of Justice, and to the common and public Weal of the Land: Then our Lord God was dreaded, loved, and honoured; then within the Land was Peace and Tranquillity, and among the Neighbours, Concord and Charity; then the Malice f of outward Enemies was mightily refisted and repreffed, and the Land honourably defended with many e great and glorious Victories; then the Intercourse of • Merchants was largely used and exercised; by which Things above remembered, the Land was greatly enriched, fo that as well the Merchants as the Artificers, and other poor People, labouring for their Living in divers Occupations, had competent Gain, to the Satisfaction of them and their Housholds, living 5 without miserable and intolerable Poverty. But afterwards, when as such had the Rule and Governance of f this Land, delighting in Adulation and Flattery, and led by Senfuality and Concupifcence, followed the Counfel. of Persons insolent, vicious, and of inordinate Avarice, despising the Counsel of Persons good, virtuous, and f prudent, fuch as above be remembered, the Prosperi-

The new Device of this bloody Usurper, to intitle himself to the Crown of England, and take upon him the Regal Government. Psyane.

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K. Richard III. 6 ty of this Land decreased daily, so that our Felicity was turned into Mifery, and our Prosperity into Ad-'versity, and the Order of Policy, and the Laws of God and Man, confounded; whereby it is likely for this Realm to fall into great Milery and Desolation, "(which God defend) without due Provision of cove- nable Remedy be had in this Behalf in all godly Hafte. Over this, among other Things more special, we consider how, in the Time of the Reign of Edward IV. late deceased, after the ungracious pretended Mar-

Wherein King Edward the Fourth's Marriage with Lady Gray is declared woid,

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friage (as all England hath Cause to say) made betwixt the faid King Edward and Elizabeth, some Time Wife 'to Sir John Gray, Knight, late naming herself, and ' many Years heretofore, Queen of England, the Order of politic Rule was subverted, the Laws of God, and • of God's Church, &c. also the Laws of Nature and of

 England, and also the laudable Customs and Liberties of the same, wherein every Englishman is Inheritor, was broken, subverted, and contemned, against all Reafon and Justice; so that the Land was ruled by Self-

Will and Pleasure, Fear and Dread; all Manner of Equity and Law laid apart and despised; whereof enfued many Inconveniences and Mischiefs, as Murders,

Extortions, and Oppressions, namely, of poor and 'impotent People; so that no Man was sure of his Life,

Land, or Livelihood, nor of his Wife, Daughter, or Servant, every good Maiden and Woman standing in Fear to be ravished and deflowered. And, besides this,

what Discords, inward Battles, Effusion of Christian " Men's Blood, and namely, by the Destruction of the Nobles' Blood of this Land, was had and committed

within the fame, is evident and notorious through all this Realm, unto the great Sorrow and Heaviness: of all true Englishmen. And here also we consider,

how that the faid pretended Marriage betwixt the above-named King Edward and Elizabeth Gray was · made of great Presumption, without the Knowing and

· Assent of the Lords of this Land, and also by Sorcery and Witchcraft committed by the faid Elizabeth, and

· her Mother Jaquet, Duckels of Bedford, as the comof mon Opinion of the People, and the public Voice and

• Fame is throughout all this Land; and hereafter, if ' the

c Liberties and Laws every Englishman's Inheritance. Prinne.

the Cause shall require, shall be proved sufficiently in K. Richard III. Time and Place convenient. And here also we confider, how that the faid pretended Marriage was made privily and fecretly, without Edition of Banns, in a private Chamber, a profane Place, and not openly in the Face of the Church, after the Laws of God's Church; but contrary thereunto, and the laudable Custom of the Church of England: And how also, at the Time of the Contract of the same pretended Marfriage, and before and long Time after, the faid King Edward was and stood married, and troth-plight, to one Dame Eleaner Butler, Daughter to the Earl of Shrewsbury, with whom the said King Edward had "made a Pre-contract of Matrimony, long Time before he made the said pretended Marriage with the faid Elizabeth Gray, in Manner and Form aforesaid. Which Premisses being true, as in very Truth they • be true, it appeareth and followeth evidently that the faid King Edward, during his Life, and the faid Eli-* zabeth lived together finfully and damnably in Adul-[390] tery, against the Law of God and of his Church; and therefore no Marvel that the Sovereign Lord and · Head of the Land being of fuch ungodly Disposition, and provoking the Ire and Indignation of our Lord God, fuch heinous Mischies and Inconveniences, as are above remembered, were used and committed in the Realm amongst the Subjects. Also it appeareth evidently, and followeth, that all the Issue and Children of the faid King Edward be Bastards, and unable Andhis Children to inherit, or claim, any Thing by Inheritance by theillegitimate. Law and Custom of England. · Moreover, we confider how that afterwards, by the Three Estates of this Realm assembled in Parliament, 6 holden at Westminster, Anno 17 of the Reign of the faid King Edward IV. he then being in Possession of the Crown and Royal Estate, by an Act made in the fame Parliament, George Duke of Clarence, Brother Clarence attaintto the King Edward now deceased, was convicted and ed by Parliament, attainted of High Treason, as in the said Act is contained more at large; because and by reason whereof His Issue thereby all the Issue of the said George was and is disabled and not inheritable, barred of all Right and Claim that in any Case they but uncapable to

might have, or challenge by Inheritance, to the Crown

• and

Richard III. and Dignity Royal of this Realm, by the antient Laws and Customs of this same Realm.

Richard III. de-Heir thereto.

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Over this, we consider that you be the undoubted elared undoubted Heir of Richard Duke of York, very Inheritor of the 6 faid Crown and Dignity Royal, and as in Right King of England by Way of Inheritance; and that at this

Time, the Premisses duly consider'd, there is none other Person living but you only that may claim the said Crown and Dignity Royal by Way of Inheritance, and

how that you be born within this Land; by reason whereof, as we deem in our Minds, you be more na-

turally inclined to the Prosperity and common Weal of the same; and all the Three Estates of the Land have, and may have, more certain Knowledge of your

Birth and Filiation aforesaid. We consider also the great Wit, Prudence, Justice, Princely Courage, and the memorable and laudable Acts in divers Battles,

which as we by Experience know you heretofore have done, for the Defence and Salvation of this Realm;

and also the great Nobleness and Excellency of your Birth and Blood, as of him that is descended of the

three most Royal Houses of Christendom; that is to say, England, France, and Spain : Wherefore, these Pre-

milles duly by us confidered, we defiring effectually the Peace, Tranquillity, and Weal public of this Land,

and the Reduction of the same to the antient honourable Estate and Prosperity: And having, in your

great prudent Justice, princely Courage, and excellent Virtue, singular Considence, have chosen by all that in us is, and by that our Writing chuse you, High and

Mighty Prince, our Sovereign Lord g, to whom we

know of certain it appertaineth of Inheritance so to be And hereupon we humbly defire, pray, and

require your Most Noble Grace, that, according to this Election of us the Three Estates of your Land, as by

Inheritance, you will accept and take upon you the

faid Crown and Royal Dignity, with all Things thereunto annexed and appertaining, as to you of Right

f His pretended Virtues and Fitness to reign as King; his Valour in Battle; his Honourable and Royal Birth; without one Word of his defperate Treasons, Regicides, Murders, Hypocrify, and other Vices. Prynne. g His Election by the Three Estates, and this Instrument, to be King of England. Ibid.

h They make his hereditary Title the Ground of their Choice. Ibid.

belonging, as well by Inheritance as by lawful Elec-K. Richard III. tion; and, in case you so do, we promise to affist and [392]

ferve your Highness, as true and faithful Subjects and

Liegemen, and to live and die with you in this Matter, and every other just Quarrel; for certainly we be

determined rather to adventure and commit us to the

· Peril of our Lives and Jeopardy of Death, than to live

in fuch Thraldom and Bondage as we have done

Iong Time heretofore; oppressed and injured by Ex-

tortions and new Impositions, against the Law of God and Man, and the Liberties and old Policy and

Laws of this Land, wherein every Englishman is in-

herited k. Our Lord God, King of all Kings, by

whose infinite Goodness and eternal Providence all

Things are principally governed in this World, lighten

your Soul, and grant you Grace to do as well in this

• Matter as in all others, that which may be according!

to his Will and Pleasure, and to the common and pub-

6 lic Weal of this Land: So that, after great Clouds,

Troubles, Storms, and Tempests, the Sun of Justice

and of Grace may thine upon us, to the Joy and Com-

fort of all true-hearted Englishmen.

Albeit that the Right, Title, and Estate which our His Hereditary

Sovereign Lord King Richard III. hath to, and in, the Crown by the · Crown and Royal Dignity of this Realm of England, Law of God and

with all Things thereunto within the fame Realm, and Nature.

without it, annexed and appertaining, being just and

· lawful, as grounded upon the Laws of God and Na-

ture, and also upon the antient Laws and laudable

· Customs of this said Realm; and also taken and repu-

ted as fuch by all Persons, being learned in the above-

· faid Laws and Cuftoms m.

 Yet nevertheless, forasmuch as it is considered, that * the most Part of the People are not sufficiently learned

1 Their Petition and Importunity to him to accept of the Crown, tho himself most eagerly thirsted after it; and his hereditary Right thereto seconded by their Election. Prynne.

k Their Promise to assist, serve, and obey him, upon his Acceptance thereof, as his Subjects, and to live and die with him; and their pretended great Thraldom, Bondage, Oppressions, &c. under his Predecef-Ĭbid.

I Their Prayer for him, and their great Trouble, occasioned partly by

m The Lawyers flatter and approve his Title. The common People ignorant in the Laws. Ibid.

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K. Richard III. in the abovefaid Laws and Customs, whereby the Truth and Right in this Behalf of Likelihood may be hid, and not clearly known to all the People, and thereupon put in Doubt and Question. And over this, how that the Court of Parliament is of fuch Authority, and the People of this Land are of fuch a Nature and Difposition, as Experience teacheth, that Manisestation or Declaration of any Truth or Right, made by the Three Estates of this Realm assembled in Parliament, and by Authority of the same, maketh, before all other Things, " most Faith and certain quieting of Men's Minds, and removeth the Occasion of Doubts and seditious Language n.

Therefore, at the Request, and by the Assent of the . Three Estates of this Realm, that is to say, the Lords Spiritual and Temporal, and Commons of this Land, affembled in this present Parliament, and by Authority of the fame, be it pronounced, decreed, and declared, . That our faid Sovereign Lord the King was, and is, the The Crown fet- e very undoubted King of this Realm of England, with tled and intailed all Things thereunto within the same Realm, and within the same Realm, and within

Heirs of his Body out it, united, annexed, and appertaining, as well by Right of Confanguinity and Inheritance, as by lawful Election, Confecration, and Coronation o.

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Heir apparent.

And over this, that, at the Request, and by the Assent and Authority abovesaid, be it ordained, enacted, and established, That the said Crown, and Royal Dignity of His Son declared this Realm, and the Inheritance of the same, and all other Things thereunto within this Realm, or without it, united and annexed, and now appertaining, rest and

abide in the Person of our said Sovereign Lord the King. during his Life, and, after his Decease, in his Heirs of his Body begotten, in especial at the Request, and by

Affent, and the Authority aforesaid, be it ordained, enacted, established, pronounced, decreed, and declared, That the High and Excellent Prince Edward, Son of

our faid Lord the King, be Heir Apparent of the same

n The Parliament's Authority with the People, when true, free, and real, confishing of the Three Estates. It's Declaration quieteth all Men's Minds, removeth all Doubts and Seditions; yet he that confiders 39 Herry VI. p. 294, or 1 Ed, 1V. p. 314, will fearce believe this for a Truth, neither proved it so in his own Case. The Three Estates must all concus to make a Parliament, and valid Election. Prynne.

O They decree and declare him the undoubted King of this Realm, by Inheritance and their lawful Election coupled together. Ibid.

our Sovereign Lord the King, to succeed to him in the K. Richard III.

abovefaid Crown and Royal Dignity, with all Things

(as is aforesaid) thereunto united, annexed, and appertaining, to have them after the Decease of our said

Sovereign Lord the King, to him, and to the Heirs of

his Body lawfully begotten.

ciat, decernit, & declarat q.

Quæ quidem Billa Communibus Regni Angliæ in dicto Parliamento existentibus transportata suit, cui quidem Billa idem Communes Assensum suum præbuerunt sub hiis Verbis: A ceste Bille les Communs sont assentes; quibus quidem Billa & Assensum Domino Rege in Parliamento prædicto, lectis, auditis, & plene intellectis, & de Assensum Dominorum Spiritualium & Temporalium in dicto Parliamento similiter existentium, & Communitatis prædictæ; nec non Authoritate ejusdem Parliamenti pronunciatum, decretum, & declaratum existit, omnia et singula in Billa prædicta contenta sore vera & indubia; ac idem Dominus Rex, de Assensum dictorum trium Statuum Regni, & Authoritate prædicta, ominia & singula præmissa in Billa prædicta contenta concedit, & ea pro vero & indubio pronun-

Next follows, on the Roll, a long Act of Attainder The Duke of against Henry late Duke of Buckingham, John Bishop Buckingham and of Ely, Henry, calling himself, Earl of Richmond, and tainted, Jasper late Earl of Pembroke, with several Knights, and Men of lower Degree a great Number. Against the Duke it is particularly alledged in the Act, 'That he, of late Days, standing and being in as great Favour, tender Trust, and Affection with the King our Sovereign Lord as ever any Subject was with his Prince and Liege Lord, as was notoriously and openly known by all this Realm; not being content therewith, nor with the good and politic Government of his said Sovereign Lord, but replete with Malice, Rancour, and insatiable Covetice, did with, &c.' The whole of this Act of Attainder is very remarkable, and ought to be particularly noticed by a more general Historian; but is much too long for our Design.

At the End of this Act is another, For enabling the King to make Grants of the Lands of the Persons at-Vol. II. C c tainted:

⁴ Here he creates and ratifies his own Title. Prynne.

K. Riebard III. tainted: Likewise another particular Act of Attainder against John [Morton] stiled late Bishop of Ely, (for Richard had deprived him, though he afterwards was

flops,

Also several Bi- made Archbishop of Canterbury by his Successor) Lyonel [Woodvill] Bishop of Salisbury, and Piers Bishop of Excester. These Reverend Prelates were accused by this Act, for 6 That they, with a malicious and traiterous Intent, against Justice and Fidelity due to the Crown and Royal Majerty of England, had confederated and conspired together, as well with Henry late Duke of Buckingham and Thomas Marquis of Dorset, as with other great Rebels and Traitors, imagining to compass the Death of our Sovereign Lord King Richard III. Howbeit the faid Bishops, for their great and heinous Offences, before-mentioned, have deserved to lose Life, Lands, and Goods by the Law of this Land; vet nevertheless, confidering that they be Bishops set in high Estate in the Church of God, and the King preferring Mercy and Pity before Rigour, and at the Reverence of God and his Church, and at the Prayer of the Lords Spiritual, namely, such as be present in this Parliament, the King is content to forbear any rigorous Punishment, and that they be only punished in Form following: That is to fay, that it is ordained and enacted, by the Authority aforesaid. That the said Bishops be disabled and made unworthy, by Law, to hold and enjoy any Possessions Temporal and Feodal, and forfeit to the King all Castles, Lordships, Manors, Lands, and Tenements, and other Hereditaments, &c. which they were possessed of on the 18th Day of October last past, and every Thing else that pertaineth to the Church, as long as the faid Bishops shall be Bishops of the abovesaid Sees; saving, &c.' There are some saving Clauses added to this Bill, of no Significance to the Reader.

With Margaret mond.

There is yet another Act for attainting Margaret Countefs of Rich- Countefs of Richmond, who is said therein to be Mother to the King's great Rebel and Traitor, Henry Earl of Richmond, in that she had conspired, consederated, and committed High Treason against our Lord the King in divers and fundry Ways, and especially in sending Mesfages, Writings, and Tokens to the faid Henry, and thereby

r No such Name occurs in Le Neve's Fasti to be Bishop of Exuer at this Time.

thereby inviting, stirring, and procuring him to come K. Richard Illinto this Realm and make War against our said Sovereign Lord, to which Advice the faid Henry applied himself, as appeareth by Experience of him lately shewed: Also the said Countess made Chevissances of great Sums of Money, as well within the City of London as elsewhere, to be employed in the Execution of the said traiterous Purposes: Likewise the said Countess conspired and imagined the Destruction of our Sovereign Lord. and was affenting, knowing, and affifting to Henry late Duke of Buckingham, and his Adherents, in compassing and doing Treason, of which they, in this present Parliament, have been attainted: Yet nevertheless our said Sovereign Lord of his Grace, and especially remembering the good and faithful Service that Thomas Lord Stanley [her Husband] hath done, or intendeth to do, for our Sovereign Lord, and for the good Love and Trust the King bath in him, and for his Sake, remitteth and will forbear the great Punishment of the Attainder of the faid Countess which she hath deserved; but, in Confideration of the Premisses, it is the Will of our Sovereign Lord that it be enacted, by the Assent of the two Houses of Parliament, 'That the said Counters be difabled in Law, from henceforth, to have, inherit, or enjoy any Manors, Lands or Tenements, Hereditaments or Possessions whatsoever; and also be disabled from bearing or having any Name of Estate or Dignity from henceforth; and that all her Castles, Manors, Lands, &c. be to the faid Thomas Lord Stanley for the Term of his Life, and, after his Decease, to our faid Sovereign Lord the King and his Heirs for ever, &c.'

We have chose to give large Abstracts out of the foregoing Bills of Attainder, in order to clear up, as much as possible, the History of this short but dark Reign; rendered more obscure by the sudden Revolution that followed, and the Accession of a Person to the Crown who bore a mortal Enmity to this King Richard and all his House. There are a few more Acts relating to private Property, which are no ways significant to our Purpose, therefore we omit the Mention of them; except one, which we cannot so pass by, intituled, An Act for vesting certain Lands, &c. of great Value, in the Counties of Cornwall and Devon, upon Sir James Tyrel, C c 2

K. Richard III. Knight, and Anne his Wife, which were forfeited to the Crown by the Attainder of Sir John Arundele, Knight, by an Act in this present Parliament.' Now it should seem that this said Sir James Tyrel, who, as Historians write, was the Man principally concerned in the Murder of the two young Princes in the Tower, wasthus rewarded for committing that most attrocious Villainy: and the rather because it is expressed in the Body of the Act, that this Knight's Petition to the King was grounded, inter alies, on the said Sir James having done Some true Service to his good Grace. And yet again, if Richard had employed this Man to commit this private Murder, he scarcely would have taken this Way to have rewarded him so openly for it, and make the whole Legislature of England, Bishops and all, in some Meafure. Accomplices in the Crime.

However, bad as this King Richard was, or is reprefented to be, both our Historians and Lawyers agree, that there was a Body of Laws made and passed by him, in this present Parliament, so very good and beneficial to the Subject, as sew either before or since can equal them. We must refer to our Statute-Books for a Detail of these Laws; it not being our Business to meddle with the Statutes themselves, but to write a History of the Makers of them. Yet there is one Act more to be spoke of; which, though it be printed amongst the rest, the Preamble to it is so singular, tending to blacken the Memory of his Brother King Edward IV. and to render his Reign odious, that it must claim a Place in these

Inquiries. It is as follows:

The King remembering how the Commons of this Realm, by new and unlawful Inventions and inordinate Covetice, against the Laws of this Land, have been put to great Thraldom and importable Charges and Exactions; and especially by a new Imposition, named a Benevolent; whereby, for divers Years, the Subjects and Commons of this Land, against their Wills and Freedoms, have paid great Sums of Money to their almost utter Destruction: For divers and many worshipful Men of this Land, by Occasion thereof, were compelled by Necessity to break up their Housholds, and to live in great Penury and Wretchedness; their Debts unpaid, and their Children unpreferred; and such Memorials as they had ordained

ordained to be done for the Wealth of their Souls were K. Richard III. annentifed and annulled, to the great Displeasure of God, and to the Destruction of this Realm: Therefore the King ordaineth, by the Advice and Consent of both Houses of Parliament, That his Subjects, from henceforth, be not charged with any such Imposition, named a Benevolent; and that such Exactions, afore this Time taken, be no Example for any like Charge for the such ture; but that the same be dampned and annulled for ever.

Thus much for the more historical Acts of this Parliament; which, like the Reign of the King, was but of short Duration, being, as has been said, convened on the 23d of January, and dissolved the 20th of February following. We shall next proceed to search the Histories of these Times, in order to find out, if possible, some more Illustration of them.

Our older Chronicles, and more modern Historians. are very short in their Account of the Proceedings of this Parliament. The History of Croyland, contemporary with these Times, might be expected to furnish more Matter for these Inquiries, relating to it; but there it is only curforily mentioned, though some Hints are given, about the Methods taken to force the Act of Succession through the Houses, as are almost incredible. It is there faid, 'That, in this Parliament, the King, in order to strengthen his Title to that Crown which he had in the preceeding Summer gained, brought an Affair, relating to matrimonial Contracts, to be diff puted before an Assembly of Laymen. And, though it was well known that fuch a Court had nothing to do in this Matter, yet so great was the Dread and · Fear which then possessed the boldest, that they not only undertook the Affair, but gave Sentence accordingly. For, adds our Authority, so many great Men, · Peers and Commoners, were proscribed as was never known fince the Time of the Triumvirate of Octavius. 4 Anthony, and Lepidus n. Besides, a great Quantity of • Money was drawn out of the King's Treasury at this n Tot et tantorum Dominorum, Nobilium, Procerum, et Communium,

n Tot et tantorum Dominorum, Nobilium, Procerum, et Communium, etiam trium Episcoporum, Proscriptiones faelæ sunt, ut a Triumvirato Octaviani, Antonii, et Lepidi, Faetum simili nusquam emanasse legatur, Hist. Croyl. Cont. p. 570.

K. Richard III. 6 Time, in order to gain this Act, and chiefly distributed amongst his Northern Friends, whom he planted, also

[381] 6 for his greater Security, in every Part of the Kingdom; 6 which gave much Offence to his more Southern Sub-

which gave much Onence to his more Southern suc jects, and made them pay more Regard to the Hopes
 of a future Revolution, than to the present Tyrant "."

Fabian, who lived in this King's Time, and ends his Chronicle with the next Reign, hath not one fingle Word of this Parliament. Hall and Holling shead only fay that, in the Beginning of the Year 1484, a Parliament was summoned, in which the Earl of Richmond and his Followers were attainted, and the People burdened with severe Taxes and Impositions; and that the Money so collected was wasted on this King's Creatures, or squandered away prodigally, to stop the Mouths of such as knew any Thing of his Guilt in the Death of

his Nephews.

Polydore Vergil writes o, That, after this Parliament had attainted all the exiled Persons, and confiscated their Estates to the King's Use, Richard was not content with these rich Spoils, but commanded them to grant him a large Supply; for, in order to vindicate himself from Calumny, and to buy the Favour of the People, he had bestowed such Largesses of Money amongst them, that his Treasury was very low. the most extraordinary Stretch was, that Thomas Stan-Ley should be also declared an Enemy to the State, on account of his Wife Margaret's being Mother to the Earl of Richmond, who was commonly thought to be at the Head of the Conspiracy P. And though a Woman's Politics may be judged of small Moment, yet this Parliament thought proper to take Notice of her, and commanded her Husband, in whom they could find no Guile, to confine her closely, and suffer no Messengers, of any Account, to pass between her Son and her, that might disturb the Peace of the Kingdom. The same Author adds, That, by Consent of this Parliament, a Peace with the Scots, who had begun Hostilities on the English Borders, was concluded.

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n For the great Confidence which Richard placed in his Northern Friends, particularly of the City of York, see Drake's Eboracum, from Page 114 to Page 124, London, Folio, 1736.

o Hift. Ang. Lib. xxv. p. 554.

This Historian is mistaken, as appears by the Act itself before given.

The particular Writer of this King's Life 4, and a K. Richard III. very particular one he is indeed, for he has taken true Pains to wash his Blackmore white, is more explicit than any other in his Account of the Proceedings of this Parliament. He says, 'That, by it, there were many good Laws enacted; the Marriages of King Edward were debated; that with the Lady Gray adjudged unlawful, and her Children illegitimate; there being Proof of a former Contract and Marriage with the Lady Eleanor Talbot, Daughter to the old Earl of Shrewsbury, and Relict of the Lord Butler of Sudeley, then, and long after, living. All that had been inferred by the Duke of Buckingham, or contained in the Bill supplicatory, demonstrated, was again confulted, and Judgment given against that Marriage; the Incapacity also of the Children of the Earl of Warwick and his Sister, the Lady Elizabeth Plantagenet, were all decreed and confirmed by Act of Parliament. So that here, adds our Author, to tax so general an · Assent, were to say there was not one honest or just Man in that high Court; and what greater Scandal can there be against the whole Kingdom?

'There was likewise Notice taken of the Earl of * Richmond's Pretence to the Crown, by a Title derived from the House of Lancaster; who was at that Time in 4 France, labouring to engage the King and the Duke of ⁶ Bretagne in his Quarrel. Oh! the infinite Windings and perplexed Steps we labour thorough, to get that which we must bid Goodnight to To-morrow; and yet the true and rightful Lancaster had no Finger in this; for this Earl was not then granted to be of the House 6 of Lancafter, untill the Pope, by his Bull, had given him that Title; and himself, after he was King, by his • Prerogative assumed it. In this Parliament he was attainted of High Treason, and, with him, John Earl of Oxford, Thomas Marquis of Dorset, Jasper Earl of Pembroke, Lionel Bishop of Salisbury, Pierce Bishop of · Exeter, the Lady Margaret Countels of Richmond, Tho-* mas Morton Bishop of Ely, Thomas Nandich by the Stile of Thomas Nandich of Cambridge, Conjurer, William Knevet

9 George Buck, Esq; one of the Heralds at Arms, Author of the History of King Richard 111. Fol. 1647, London. But since reprinted with Notes in Kennet's Collection.

r Negromancer, in the Record.

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The Parliamentary HISTORY

K. Richard III. & Knevet of Buckingham, smeared with the same Pitch,

George Brown of Beachworth, Thomas Lukenor of Trat-

ton, John Guilford, John Fogg, Edward Poinings, Tho-

mas Ficries of Churstmonceux, Nicholas Gainford, Wil-

6 liam Clifford, John Dorrel, with others of Kent and the

West Country. There was further enacted, for the

Approbation and confirming the true and lawful Title

of King Richard, this Clause or Sentence,

It is declared, pronounced, decreed, confirmed, and established, by the Authority of this present Parliament, That King Richard III. is the true and undoubted King of this Realm; as well by Right of Consanguinity and Heritage,

as by lawful Election and Coronation, &c.

Our Author proceeds with this Remark, 'That, in a Place of the Roll of this Parliament, there are Arguments to be gathered, that the two Sons of King Edward were living at that Time, which was at least nine Months after the Death of their Father, and fix Months after Richard was declared King. Which,

adds he, will import thus much, That if King Rich-

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ard suffered them to live so long, there is no Reason why he should after make them away; for their Lives could not rectify their Blood or Titles, nor their Deaths advantage him. Neither can Bastards be dangerous or prejudicial to the true and titular Lord, or lawful Proprietor, be he King or Subject; witness foreign Countries, and England itself, which holds

Bastards incapable of Heritage, Honours, or Offices.'
Thus far we have thought proper to extract, verba-

tim, from this Panegyrist; and shall only add what the Annotator in Kennet's Collection remarks on the Passage of Edward's Children being alive at the Time this Parliament was sitting. He says, 'That this Author would have done much towards the Credit he drives at in his History, to have specified the Place of the Roll, and the Words thereof, whence such Arguments might be gathered. For, adds he, all Histories relate the Murders to be committed before this

f Time :

Richard was well aware that the proposed Union between the Houses of York and Lancaster, the Earl of Richmond's

Richmond's marrying the Princess Elizabeth, was the K. Richard III. greatest Motive the Malecontents to his Government had to draw in many more indifferent People, not only to wish for, but to endeavour to bring it about: In order therefore to frustrate this Project, he took a pious Resolution to add Incest to the rest of his enormous Crimes. by marrying the Princes Elizabeth, his eldest Brother's Daughter, himself. The History of Croyland informs us that, during the Sitting of his Parliament, Richard, by fair Promises, mixed with some terrible Threats, had at last prevailed upon the too easy Queen to send all her Daughters to Court, where they were received by their unnatural Uncle with all seeming Tenderness and Affection. At this Time also, the same Authority tells us, the King got together almost all the Lords Spiritual and Temporal in the Kingdom, the Chief of the Members of the House of Commons, and the principal Persons of his Houshold, into a private Parlour of the Palace q, and commanded them to take a new-coined Oath, by whom framed is uncertain, to be true to the Succession of his only Son Edward, in Case of his Father's Mortality: and they were all likewise obliged to sign their Names to it.—But to proceed.

Mr. Rapin observes , that Richard called this Parliament at a very feafonable Juncture. The Duke of Buckingham's Conspiracy seeming entirely stifled by the Death of that Lord, and the Retreat of the Earl of Richmond s, there was not in the Kingdom any Person in a Condition to lift up his Head against him: So the Parliament, adds he, confifting, no doubt, of Representatives devoted to the King, declared Edward the Fourth's Issue illegitimate, and confirmed Richard's irregular Election, with his pretended Right to the Crown. Act was absolutely necessary for Richard's Security; befides, fays our Author, the Parliament thereby avoided the Trouble of inquiring after the Fate of Edward V. whom all England had for some Months acknowledged for King. Then an Act of Attainder was passed against [396]

⁹ In quodam inferiori Caenaculo, juxta Ambitum qui ducit ad Cameras Reginæ. Hift. Croyl. Cont. p. 570.

F Rapin's History of England, Fol. Edit. p. 642.

^{*} Richmond had been waiting upon the English Coasts with a few Ships; but, when he was affured of Buckingbam's Defeat and Death, he failed back into Brittany. Hift. Croyl. Cont. p. 570.

Henry Earl of Richmond, and his Adherents, attainted.

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K. Richard III. Henry Earl of Richmond, and all his Adherents, by Virtue whereof all their Estates were forseited to the King. By this Act, which declared all those Rebels and Traitors that were concerned in the Duke of Bucking bam's and the Earl of Richmond's Conspiracies, all the late Executions were in some Measure justified; because still, adds our Authority, such as had suffer'd were confider'd as guilty of the Crime condemned by this Act.

The Sense of another Author; who, though also a Foreigner, seems to make a just Resection on this Matter, is this 1: 6 The Decree above being registered amongst the Acts of the Parliament, and by that made

- authentical in every Part of it, makes it appear that the Kings of England have Power to do what they will,
- when they are either loved for their Virtues, or feared As to what concerns Love, there is for their Force.
- ono Proof of it in this present Case; but of Fear, suffi-
- cient: that Terror being the primum Mobile in this 4 Buliness.

But it must be allowed that some other Business was done in this Parliament, besides settling the Succession. and passing the Bill of Attainder. Many wholsome Laws very beneficial to the Public were enacted in it; a plain Evidence of which is, their standing unrepealed in our Statute-Books to this Day. Some of the most remarkable we shall mention.

Ufeful Acts palfed.

1. 'That whereas the Subjects of this Realm had of late been burdened with a new Imposition, called a Benevolence, the same should thenceforth not be exacted. 2. 'That every Justice of Peace shall have Power to admit a Prisoner, arrested for Felony, to Bail; and that no Officer shall seize the Goods of a Prisoner, arrested for Felony, till he be attainted.'----3. 'That no Person shall be impannelled upon Juries but who hath 20s. Freehold, or 26 s. 8 d. Copyhold, at the least.'-4. 'That Wine and Oil Vessels shall contain as follow: Every Ton shall hold 252 Gallons; a Pipe, 126 Gallons; a Tertian, 84 Gallons; a Hogshead, 63 Gallons; a Barrel, 31 Gallons and a Half; a Rundlet, 18 Gallons and a Half "."

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It was not very long after paffing the Act against Benevolences, that Richard himself broke it; for, on the first News of the Earl of Richmond's Invasion, having

t Biondi, Vol. II. p. 116.

u Statutes at large, Anno I Rich. III. cap. ii, iii, iv. xiii.

fufficiently emptied his Coffers, and squandered awayk. Risherd III. the great Treasure lest by his Brother, he had Recourse to the very same Means (which he had condemned in open Parliament) to procure more: And, says our contemporary Authority, the Word Benevalence, which had been used with so much Contempt, converted itself; for the King sent out his Creatures, who were Children of this World, and therefore wiser than the Children of Light, who, by Prayers and Threats, by Hook or Crook, scraped and gleaned together vast Sums of Money from almost all Sorts of People, and carried it to the King's Treasury *.

This is all we can collect relating to the Transactions of this Parliament, either from the Records, Statute-Books, or Historians; what we have else to say in this Reign, is, That a new Invasion happening soon after, under the Earl of Richmond, King Richard lost his Life Richard killed at and his Crown in the Battle of Boswarth, Aug. 22, 1485, the Battle of and the Conqueror was proclaimed, at the Head of his Boswarth.

Army, King of England, &c. in the open Field.

Thus fell the last of the Sons of Richard Duke of York. whose violent Ambition proved the Ruin of him and all the Male Line of Plantagenet. Had he been content with the Protectorship he would have had no Enemies. but have ended his Days in Peace and Honour, and feen the Crown established in his Family. It is certain that the Historians immediately following these Times, in Compliment perhaps to the reigning Prince, have given us Richard's Character as black as it could be made. Mr. Buck has endeavoured as far to polish it, and to represent him a Prince of much better Shape, both in Body and Mind, than he has been generally efteemed. rious are the Censures which have passed on his Performance; we shall only trouble the Reader with that of Dr. Fuller, 'His Memory (fays he, speaking of King "Richard) has met with a modern Pen, who has not only purged, but praised, it to the Heighth; and Pity it is that so able an Advocate had not a more meriting * Person for his Client y.'

The

x Hift. Croyl. Cont. p. 571, 2.

y Fuller's Worthies, p. 282, in Northamptonshire. Bishop Kennet, in his Notes on Lord Ferulam's Hillory of the succeeding Reign, remarks, That, amongst the Number of Persons attainted in the first Parliament of Heure

K. Richard III.

The celebrated French Writer of English History, Rapin, concludes his Reign of Richard III. in this Manner:

Let us close, says he, the History of the Plantagenets, with a brief Recapitulation of the most memorable
Accidents that befell the Kings of this Race, whilst on
the Throne of England. In this Summary of the
fourteen foregoing Reigns it will be seen, not without
Astonishment, perhaps, that the Happiness and Glory
enjoyed by this Race for above 300 Years, were almost
nothing, in Comparison of their Missortunes.' And
then he begins with a long Detail of direful Accidents,
all tending to prove, that even God Almighty himsels
always acted in Opposition to an hereditary Title to
the English Crown. On which extraordinary Recapitulation of Events, his Translator and Annotator, Mr.
Tindal, has bestowed this just Ressection:

* It were to be wished that so good an Historian as * Rapin had been more sparing of God's Judgments, such Remarks at best being a Sign of great Weakness;

but when they are built on Falfities in Fact, as is

fometimes the Case, they are inexcusable. Of this, adds he, we have an Instance, even in Rapin himself.

And, as for the long Lift of God's Judgments upon the House of *Plantagenet*, it contains nothing extraording

and what might eafily be marched out of the Histories

of feveral other Nations 2.

Henry VII. was one John Buck, beheaded at Bofworth, a Relation to George Buck, the Author of the Life of Richard III. which perhaps, adds he, was the Reason why that Historian, in Opposition to other Writers on the same Subject, endeavours to have it believed that King Richard was both a great and a good Man. Kennet's Collection, Vol. 11. p. 581.

7 Rapin's History of England, Fol. Edit. p. 647, Note 8.

THE great God of Battles having given Henry Earl King Henry VII. of Richmond a compleat Victory over his mortal [401] Enemy King Richard III. and he being slain in the Field. the Diadem, for which they both fought, and which Richard wore on his Head that Day, being found, was immediately put on Henry's; and, according to a Roman Custom, he was faluted Emperor by the Soldiery in the open Field. The Title to a Crown by Conquest must be allowed a very strong one; but Henry VII. would not trust to that, nor solely to the lame Pedigree he pretended to claim from John of Gaunt, the Source of the Lancastrian Stream, knowing well that it was so obstructed in the Way by a Bar of Bastardy, that it was impossible to make it seem clear to the World *. The best Title he had was by Marriage with the Prin-His Title to the cess Elizabeth, eldest Daughter to King Edward IV. Crown. and which he was obliged by Compact to confummate: But yet his inbred Hatred to the House of York was so great, that he disdained a Power that would then be more Matrimonial than Regal, and so resolved to rest

and Marriage, as Supporters to it b.

With these Views Henry took Possession of the English Crown; and the Solemnity of his Coronation was performed, in the usual Place and Manner, on the 13th Day of October, in the Year 1485. The next Year, in order to gain a surther Sanction to his Title, he cal-

upon the Title of Lancaster as chief; and, as the great Lord Bacon observes, to use the other two, of Conquest

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2 For Henry the Seventh's Title to the Crown by Descent, see the Life of Edward IV. by John Habington, Esq; in Kennet, Vol. I. p. 471.

Philip de Commines, in speaking of the violent Proceedings in Richard's Reign, says, Le diet Roy Richard ne le porta pass loing; car contra hui essewa Dieu un Ennemy, (et tout en l'Instant) que n'avoit ne Croix ne Pille, ne nul Droich, comme je croy, a le Couronne d'Angleterre; ne estime riens, fors que de sa Personne essoit beaucoup sousser; car le pluspart de sa Vie avoit este Prisonnier. Livre VI. chap. ix.

b Polydore Vergil introduces two Prophecies, to confirm Henry's Title

to the Crown, in these Words:

Henticus Principum atque Populi jussu Rex creatur; suit ille Annus Salutis, M.CCCC.LXXXVI. Henticus sic Regnum adeptus est, quod Dei Nutu & Consilio gestum. et provisum este, visum est, quando abbinc, id est, ex boc Anno Salutis. 1486, Annos Dico.C.XCVII. Memoriæ proditum serunt, vocem Divinitus Cadoualadro ultimo Britannorum Regi, readitam, ejus Progeniem rursus regnaturam. Istius Vocis Fato Henricum dictum Regnum obtinuisse, Opinio per Animos Hominum jampridem pervaserat, quod et Henricus Sextus suturum prædixerat. Pol. Verg. Ang. Ilist. Lib. xxvi. p. 5666

King Heary VII. led a Parliament, by Writs bearing Date at Westminster, Anno Regni 1. September 15, Anno Regni suo primo, to meet at the same Place on the 7th Day of November following. At Westminster. List of the Peers, on this other great Revolution in the State, is as follows c:

The State of the John Duke of Suffolk, Peerage, Jasper d Duke of Bedford, William Earl of Arundele, John Earl of Oxford, Edmund Earl of Kent. William Earl of Nottingbam, Edward Earl of Wilts, Richard Earl Rivers, Themas Earl of Derby. William Earl of Hunting-Edward Earl of Deven, Ralph Lord Greyflock, Thomas Lord Scrope, of Masham, Richard Lord Beauchamp, [403]

> of Beauchamp, George Lord Nevile, of

Bergavenny,

Richard Lord Grey, Richard Lord De la Ware. Thomas Lord Lumley, John Lord Broke, of Cobbam. John Lord Mountjey. John Lord Stourton, John Lord Sutton, of Dudley, Fohn Lord Denham, Thomas Lord Arundele, of Maltravers, Edward Viscount Life, John Lord Grey, of Powis, Henry Lord Clifford, of Clifford c, John Ratcliff, Lord Fitz-Walter, William Viscount Beaumont.

The Judges.

Lord Chief Justice Huse, Sir Humpbrey Starky. Fohn Suliard, Sir Thomas Brian, John Vavasour, Sir Guy Fairfax, Sir John Catesby, William Hode, Attorney-Sir Richard Noel, General. Sir Roger Townshend,

 \mathbf{T} he

E From Dugdale's Summons to Parliament, An. 1 Henry VII. p. 476. €c. d Jasper Earl of Pembroke, King Henry's Uncle, had been created by him Duke of Bedford, at his Coronation; as was also Thomas Lord Stanley made Earl of Derby, the King's Father in Law; and Edward Courtney, Earl of Devon. Lord Bacon's Henry VII.

e The Story of the Preservation of this Lord Clifford from the Fury of the House of York, who would certainly have facrificed him for his Father's Cruelty, and his being brought up as a Shepherd to this Time, having never learned to read or write, is very remarkable. See Dugdale's Baron, Vol. II. p. 343.

The Parliament thus summoned, and the Lords Spi-King Henry VII. ritual and Temporal, with the Commons, being all met at the Place and Time appointed, the new King also 1485. Sitting in the Throne, the Reverend Father John Alkok, Bishop of Worcester, and Lord High-Chancellor of Engaland, declared the Cause of the Summons, and took for his Theme the Words following, Intende prospere,

procede et regna.

The Intention of which Words he shewed to the Members, elected and constituted, of this Parliament was, That they did not meet there for their own private Interest and Advantage, but for the Good of the Public as well as themselves; and with what Unanimity, Goodwill, and Chearfulness they each and all promoted and procured that End, so the Utility of the King and Kingdom, together with no small Prosperity to themselves, would necessarily follow: And this he shewed was the Meaning of one Part of his Text, Intende prospere. The Bishop took Occasion here to mention a great Tumult at Rome that was quelled by a certain wife Man, called Agrippa, who told the People a Story of the Event of a Dispute between the Stomach and the Members of a human Body, as he said might be read, more at large, in Titus Livius, &c.

He next proceeded to shew the continual and persevering Fidelity which Subjects owed to their King; and, on the contrary, what Faithfulness also Kings and Princes owed to their Subjects, in defending them to the utmost of their Power, and in taking Care that Law and Justice should be equally and rightly administered to them all, as in the Words of his Text: Deducing also this Example, in shewing fully five good Qualities to be in the Government of Bees; four of which he applied chiefly to be in the Subjects; and the fifth, to all good Kings and Princes; who, he faid, fat on high, like the Prince of Bees, carrying a sharp-pointed Sting to punish Offenders, &c.--We are persuaded the Reader has enough of this Prelate's Discourse by this Time; we therefore leave him to carry on his Allegory of Bees, which he does even to the Honey and Wax of the Hive, and proceed to his Direction of the Commons to meet the next Morning, in their accustomed Place, and chuse

King Heary VII. a Speaker, who they were to present to the King for his

Approbation.

Speaker.

Accordingly, the second Day of this Parliament, the THO. LOVELL, Commons met and chose their Speaker, and the Day after presented Thomas Lovell, Esq; to the King for that Purpole: whose Excuse for Insufficiency not being allowed, and making the usual Protestation, he was confirmed in that Office.

> After this we are told, by the Roll of this Parliament, that the King himself, with his own Mouth, made an eloquent Speech to the Commons to this Effect:

> He told them 'That he was come to take Possession of the Crown of England, as well by his just Title of Inheritance a, as by God's true Judgment in giving him the Victory over his Enemy in the open Field. He declared that all his Subjects, of whatfoever State, Condition, or Degree, should hold, possess, and enjoy, to them and their Heirs, all Lands, Tenements, Rents, and other their Hereditaments, excepting such Persons as had offended his Majesty; who, according to their Merits, would be proceeded against in this present Parliament.'

A Subfidy.

Next follows the Grant of a Subfidy of Tonnage and Poundage to the King, the very fame as was granted to his immediate Predecessor, and also for Life, with the usual additional Tax on Wooll, Wooll-fells, and Hides.

After this comes an Exemplification of this King's Title to the Crown; which, being drawn up in a very concise Manner, deserves particular Regard; and therefore we give it at Length as follows:

TO the Pleasure of Almighty God, Wealth, Profperity, and Surety of this Realm of England, and to the fingular Comfort of all the King's Subjects of the fame, in avoiding all Ambiguities and Questions,

be it ordained, established, and enacted, by this pre-

fent Parliament, That the Inheritance of the Crown of this Realm of England, and also of France, with

all the Preheminence and Dignity Royal to the fame belonging beyond the Sea, with the Appurtenances

4 thereto in any wife due or appertaining, shall rest, re-

main, and abide in the most Royal Person of our now Sovereign

8 Per juftum Titulum Hereditantia. Rot. Parl. 1 Hen. VII.

Sovereign Lord King Henry VII. and in the Heirs of King Henry VII.

his Body lawfully coming, perpetually with the Grace

of God fo to endure, and in none other.'

An Act for annexing to the Crown the Duchies of Lancaster and Cornwall; also another for freeing from Attainder and Restitution of Lands, &c. to all those Lords and other Persons who were attainted by the late King Richard, in a Parliament held in the first Year of his Reign: And, in Requital for that Favour, next sollows an Act in this Parliament for the Attainder of all Henry's Enemies; the Preamble to which is so extra-

ordinary as to deserve this particular Notice.

' Forasmuch as every King, Prince, and Liege Lord, the more high that he be in Estate and Preheminence, the more fingularly he is bound to the Advancement of that indifferent Virtue, Justice; and by promoting and rewarding Virtue, and by oppressing and punishing Vice: Wherefore our Sovereign Lord calling to his bleffed Remembrance this high and great Charge adjoined to his Royal Majesty and Estate; and not oblivious or putting out of his godly Mind the unnatural and mifchievous and great Perjuries, Treasons, Homicides, and Murders, in shedding of Infants' Blood, with many other Wrongs and odious Offences and Abominations against God and Man, and especially against our Sovereign Lord, committed and done by Richard late Duke of Gloucester, calling and naming himself, by Usurpation, King Richard the Third; the which, with John late Duke of Norfolk, Thomas Earl of Surrey, Francis Viscount Lovel, Walter Devereux, late Lord Ferrers, 'John Lord Zouch, &c. &c.'

This Act of Attainder against these Lords and many Commoners, there also named, with what is mentioned before, was all that was done in the first Session of this Parliament; for we find, by the Record, that, on the 10th Day of December, Thomas Lovel, Esq. Speaker of the House of Commons, with that whole Body, came before the King in Parliament, and there, in the most humble and respectful Manner, besought his Majesty, That seeing the Crown of these Kingdoms was, by the Authority of the present Parliament, established on him and his Issue, that his Majesty would please to espouse Vol. II.

King Heary VII. and take to his Bed the most noble and excellent Princess Elizabeth, Daughter to King Edward IV. that, by this happy Match, and by God's Grace, a Royal Progeny might enfue, to the great Comfort and Confolation of the whole Realm.

The Speaker having ended, all the Lords Spiritual and Temporal, then prefent, rifing from their Seats, bowed their Heads towards the King in his Throne. and made the same Request; to whom the King, with his own Mouth, answered, That he was willing to do as

they destred him 2.

After this the Chancellor, by the King's Command, declared to both Houses, That his Majesty was disposed to prorogue this present Parliament, for certain Causes him thereunto moving; and therefore he exhorted the Lords and Commons, when they came into their own Countries, to take great Care to have Justice done against all Offenders of the Laws, Spreaders of Lies and Difcords, &c. that, at their next Meeting, the King might have Reason to give them special Thanks for their Diligence therein. He concluded with faying, That because the Feast of Christmas was approaching, and much Business of Importance was remaining, which could not be finished in that Time, therefore the King thought The Parliament fit to prorogue this Parliament to the 23d of January next coming; and all Manner of Persons concerned

prorogued.

were to take Notice, and attend accordingly.

Meeting of this Parliament, but Business goes on, in the Record, as if there had been no Intermission. The Reversal of the Attainders of Jasper Earl of Pembroke, now created Duke of Bedford, with some other private Perfons, is the first Instrument on Record after the Prorogation. Next follows the Reversal of the Attainders of Henry late Lord Clifford, William late Lord Viscount Beaumont, John Vere, late Earl of Oxford; the Countess of Richmond, King Henry's Mother; Edward. Son and Heir to Henry late Duke of Buckingham; John Lord Wells, with several other inferior Persons.

There is no Notice taken on the Roll of the next

Several Attainders reverfed,

> Subsequent to these is an Article drawn in Form of an Oath, ushered in with this Memorandum, 'That it was ' done

> a Idem Rex respondet, Ore proprio, se juxta corum Desideria & Requestus procedere fuiffe contentum. Rot. Parl. 1 Henry VII.

done for the Reformation of several enormous Crimes King Henry VIL

and wicked Practices in this Realm, as well as for the

Correction and Punishment of the Actors of them; the Tenor of which Oath is entered in these Words:

TE shall swear that ye from benceforth shall not receive, aid, or comfort, any Person openly a cursed Murderer, Felon, or outlawed Man for Felony, by you known so to be, or any such Person let [hinder] to be attached or taken therefor by Order of the Law; nor retain any Man by Indenture or Oath, nor give Livery, Sign, or Token, contrary to the Law; nor any Maintenance, Embracery, Riots, or unlawful Assemblies, make, or cause to be made, or affent thereto; nor let, or cause to be letted, in the Execution of any of the King's Writs, on Precepts directed to such lawful Ministers and Officers as ought to have Execution of the same; nor let any Man to Bail or Mainprize, knowing and deeming him to be a Felon upon your Honour and Worship. So help you God and all Saints.

We are told that not only the Knights and Esquires of the King's Houshold, but those also of the House of Commons, came before the King and Lords, and took this Oath. After they had done, the Peers, both Spiritual and Temporal, were interrogated by the Lord-Chancellor, Whether they were willing to take the same Oath? who all answering, as it were with one Voice by That they were ready, the said Article, or Oath, was read to them; and every Lord Spiritual, laying his Right Hand on his Breast, and every Temporal Lord the same on the Book of Gospels, swore to observe and perform the same; to the Number of 13 Bishops, 16 Abbots, and one Prior; two Dukes, five Earls, and 13 Barons.

Several Acts of Restitution in Blood come next on Record; as, of King Henry VI. called there this King With Restitutionary's Uncle, Margaret late Queen of England, and tions in Blood, her Son Edward late Prince of Wales. There is also a particular Act for restoring Elizabeth, late Wise to Edward IV. late King of England; though we have not found that ever this Queen was attainted in the Reign of the last King, except it was in that Act which disinherited her, and bastardized her Children: Which Act

D d 2 b Quafi una Voce. Record, King Henry VII. came in Question by this Parliament; and here it is called a false and seditious Bill, full of salse and malicious Imaginations against all true and good Disposition.

After reciting the Preamble to this Act, Please it your Noble Grace, &c. c the whole is annulled, repealed, and rendered of no Effect or Force; to be erazed and avoided out of the Roll and Records of the said Parliament; and all such Persons as have any Copy or Remembrance of the said Bill or Act, are ordered to bring them unto the Chancellor of England, or utterly destroy them, before the Feast of Easter next coming, upon Pain

There are a great many more Acts of Adnullation and Restitution to Persons attainted in the Reign of King Edward IV. passed in this Parliament, the very Titles of which would be too tedious for us to mention. In short, it seems to have been the whole Business of this Session; for, excepting one public Act for the Importation of wrought Silk, and another for the Encouragement of the Italian Merchants, there are none else that occur in the whole Catalogue. Last of all comes a very long Act of Resumption, with a Multitude of Provisoes and Exceptions, which closes the whole Account, on the Roll, of this Parliament.

of Imprisonment, and making Fine and Ransom at the King's Pleasure.——It is somewhat strange that, after this severe Edict made against the Act of the first of Richard III. it should remain upon Record at this Day.

An Act of Refumption.

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But, to come to a clearer Knowledge of the State, of Affairs at this great Revolution, it will be necessary to consult a very great Man, the Lord Bacon, who wrote the particular Life of this King: And as this Noble Historian had, at his Time, all the Records in the Kingdom open to him, besides his vast Abilities, we may well suppose he wanted no Materials to complete his Work. We are persuaded therefore that this Author's Sense of the Proceedings of this Parliament will be the most acceptable in his own Words. He tells us,

That, on the 7th of November, the King held his Parliament at Westminster, which he had summoned immediately after his coming to London. His Ends in calling a Parliament, and that so speedily, were chiefly

c See before, p. 387, 395.

ly three; first, to procure the Crown to be entailed King Henry VII. upon himself. Next, to have the Attainders of all of his Party, which were in no small Number, reversed, and all Acts of Hostility by them done in his Quarrel, remitted and discharged; and, on the other Side, to attaint, by Parliament, the Heads and Principals of his Enemies. The third, to calm and quiet the Fears of the rest of that Party, by a general Pardon; not being ignorant in how great Danger a King stands from his Subjects, when most of his Subjects are conscious in themselves, that they stand in his Danger. Unto these three special Motives of a Parliament was added, that he, as a prudent and moderate Prince, made this Judgment, That it was fit for him to hasten to let his People fee, that he meant to govern by Law, howfoever he came in by the Sword; and fit also to reclaim them to know him for their King, whom they had so lately talked of as an Enemy or banished Man. For that which concerned the Entailing of the Crown, (more than that he was true in his own Will, that he would The Succession not endure any Mention of the Lady Elizabeth, no not fettled on Henry in the Nature of special Entail) he carry'd it otherwise and his Heirs. with great Wildom and Measure; for he did not press to have the Act penned by way of Declaration or Recognition of Right, as, on the other Side, he avoided to have it by new Law or Ordinance; but chuse rather a kind of Middle-way, by way of Establishment, and that under Covert and indifferent Words, That the Inheritance of the Grown should rest, remain, and abide in the King, &c. which Words might equally be applied, That the Crown should continue to him; but whether as having former Right to it, which was doubtful, or having it then in Fact and Possession, which no Man denied, was left fair to Interpretation either Way. And again, for the Limitation of the Entail, he did not press it to go farther than to himself and to the Heirs of his Body, not speaking of his right Heirs; but leaving that to the Law to decide; so as the Entail might seem rather a personal Favour to him and his Children, than a total Disinherison to the House of York; and in this Form was the Law drawn and passed. This Statute he procured to be confirmed by the Pope's Bull the Year following, with Mention nevertheless, by way of Dd3

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King Heary VII. Recital, of his other Titles, both of Descent and Conquest. So as now the Wreath of Three was made a Wreath of Five h, for to the three first Titles of the two Houses, and Conquest, were added two more, the

Authorities Parliamentary and Papal i.' [406]

• The King likewise, in the Reversal of the Attainders of his Partakers, and discharging them of all Offences incident to his Service and Succour, had his Will and Acts passed accordingly. In the Passage whereof, Exception was taken to divers Persons in the House of Commons, for that they were attainted, and thereby not legal, nor habilitate to serve in Parliament, being disabled in the highest Degree: And that it should be a great Incongruity to have them to make Laws, who themselves were not inlawed. The Truth was, that divers of those which had, in the Time of King Richard. been strongest and most declared for the King's Party, were returned Knights and Burgesses for the Parliament, whether by Care or Recommendation from the State, or the voluntary Inclination of the People; many of which had been by Richard III. attainted by Outlawries, or otherwife. The King was somewhat troubled with this; for though it had a grave and specious Shew, yet it reflected upon his Party: But, wifely not shewing himself at all moved therewith, he would not understand it but as a Case of Law, and wished the Judges to be advised thereupon; who, for that Purpose, were forthwith assembled in the Exchequer-Chamber. which is the Council-Chamber of the Judges, and, upon Deliberation, they gave a grave and fafe Opinion and Advice, mixed with Law and Convenience; which Friends reversed, was, That the Knights and Burgesses attainted by the Course of Law, should forbear to come into the House, till a Law was passed for the Reversal of their Attainders. It was at that Time incidently moved amongst the

The Attainders of Henry's

> Tudges h Nathaniel Bacon makes it a Wreath of fix, viz. By Inheritance, War, Espousals, Election, Gist of Parliament, and, lastly, by Pontifical

Benediction. Bacon on Government, Fol. p. 114. Ed. 1739.

i The Pope's Bull for confirming the Crown to Henry, by virtue of this Entail, is in the Collection of Public Acis, Tom. XII. p. 297. in which is this remarkable Expression: Non modo Jure Belli, ac notorio & indubitato proximo Successionis Titulo, verum etiam omnium Prælatorum, Procerum, Magnatum, Nobilium, totiusque cjusdem Regni Angliæ, Plebis Electione & Voto, nec non Decreto, Statuto, & Ordinatione ipsius Angliæ, Regni trium Statuum in ipfo Conventu Parliamento noncupato.

Judges in their Consultation, What should be done for King Henry VIL the King himself, who likewise was attainted; but it was with unanimous Confent resolved, That the Crown takes away all Defects and Stops in Blood; and that from the Time the King did assume the Crown, the Fountain was cleared, and all Attainders and Corruption of Blood discharged. But nevertheless, for Honour's Sake, it was ordained by Parliament, That all Records, wherein there was any Memory or Mention of the King's Attainder, should be defaced, cancelled, and taken off the File.'

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But, on the Part of the King's Enemies, there were And several of by Parliament attainted, the late Duke of Gloucester, his Enemies atcalling himself Richard III. the Duke of Norfalk, the tainted.

Earl of Surrey, Viscount Lovel, the Lord Ferrers, the Lord Zouch, Richard Ratcliffe, William Catefby, and many others of Degree and Quality. In which Bills of Attainder, nevertheless, there were contained many just and temperate Clauses, Savings, and Provisoes, well shewing and fore-tokening the Wisdom, Stay, and Moderation of the King's Spirit of Government: And for the Pardon of the rest that had stood against the King, the King, upon a fecond Advice, thought it not fit it should pass by Parliament, the better, being Matter of Grace, to impropriate the Thanks to himself; using only the Opportunity of a Parliament-Time, the better to disperse it into the Veins of the Kingdom: Therefore, during the Parliament, he published his Royal Proclamation, offering Pardon and Grace of Restitution to all fuch as had taken Arms, or been paticipant of any Attempts against him; so as they submitted themselves to his Mercy by a Day, and took the Oath of Allegiance and Fidelity to him. Whereupon many came out of Pardonsto other. Sanctuary, and many more came out of Fear, no less guilty than those that had taken Sanctuary.

'As for Money or Treasure, the King thought it not seasonable, or fit, to demand any of his Subjects at this Parliament, both because he had received Satisfaction from them in Matters of so great Importance, and because he could not remunerate them with any general Pardon, being prevented therein by the Coronation Pardon, passed immediately before: But chiefly, for that it was in every Man's Eye what great Forfeitures and Confiscations he had at that Present to help himself;

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where-

King Henry VII. whereby those Casualties of the Crown might in Reason spare the Purses of his Subjects; especially in a Time when he was in Peace with all his Neighbours. Some

Laws paffed;

few Laws passed at that Parliament, almost for Form's Sake; amongst which there was one, to reduce Aliens, being made Denizens, to pay Strangers' Customs; and another, to draw to himself the Seizures and Compositions of Italian Goods, for not Employment, being Points of Profit to his Coffers; whereof, from the very Beginning, he was not forgetful, and had been more happy at the latter End, if his early Providence, which kept him from all Necessity of exacting upon his People, could likewise have tempered his Nature therein. He added, during Parliament, to his former Creations, the Ennoblement, or Advancement in Nobility, of a few others; The Lord Chandois of Bretagne was made Earl of Bath, Sir Giles Dawbeney, Lord Dawbeney, and Sir Robert Willoughby, Lord Brooke.

And Preferments.

> The King did also, with great Nobleness and Bounty, which Virtues at that Time had their Turns in his Nature, restore Edward Stafford, eldest Son to Henry Duke of Buckingham, attainted in the Time of King Richard, not only to his Dignities, but to his Fortunes and Possessions, which were great; to which he was moved also by a Kind of Gratitude, for that the Duke was the Man that moved the first Stone against the Tyranny of King Richard, and indeed made the King a Bridge to the Crown upon his own Ruins. Thus the Parliament broke up.'

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Thus far the Noble Historian. What we have further to add to his full Account, is only an Abstract from the Continuation of the History of Croyland 1, fo often before quoted, which ends in this very Year, relating to the Proceedings of this Parliament. It is there faid, 'That, after King Henry's Coronation, a · Parliament was held at Westminster, in which many * Things were treated of and done, (it were to be wish-

- ed that all were for the general Good) too copious for this Compendium of a History: Amongst the rest,
- thirty Persons were proscribed, or, more commonly, f attainted m; which Act, though much more modest

1 Inter Rerum Ang. Script. wet. Ed. Gale, Tom. J. p. 581. m Proscriptiones, quas vulgares Attincte vocant. Ibidem.

than

than what was done in the Parliaments under the late King Henry VII. Kings, Richard and Edward, yet did not pass with-

out great Debates, or, to speak more plainly, many fharp Disputes and Altercations. O God! exclaims

• the Monk, what Security can Princes have, that their Subjects will defend their Persons in the Day of Bat-

tle; when, being forced there, perhaps, by their ab-

folute Commands and Threats, the Side they fight for, as is often the Case, being worsted, they find

their own Lives, Fortunes, and Estates, involved in

the common Ruin! In this Parliament, adds our Au-

thority, the Crown was fettled on Henry, as his real Right, not from one but many Titles; for he did not

claim the English Diadem so much from Blood or

Affinity, as from the Right of Conquest in the Field.

There were some, however, who chose rather to con-

ceal their Thoughts than speak them openly; and the

more so, because, by his own Consent, the King's

· Marriage with the Princess Elizabeth, eldest Daughter

to King Edward, was there treated on, and agreed

unto; in which Match all the Deficiencies which

6 Henry wanted in Title seemed well filled up.' But of this, perhaps, more may be faid in another Place.

It is easy to see, by this Quotation from our contemporary Historiographer, that he is no Advocate for Henry's Title, nor Friend to his Succession; and that, if he durst, he would have left us his Thoughts in a plainer Manner upon it. But his History ending, as is faid before, in this very Year, we meet with no more Reflections about it in that Author.

It is evident, however, by other Historians, that notwithstanding all the Precautions which Henry took to strengthen and support his Title to the Crown, in a Parliamentary Way, yet his Reign was not without some violent Concussions, which greatly shook his new-acguired Diadem. The Partizans and Favourers of the House of York were still very powerful and numerous, and omitted no Opportunity to exert themselves in that Cause.

This he feemed well to foresee; and his Jealousy on that Henry appoints a Occasion made him institute a Guard of fifty Archers, Guard about his under the Command of a Captain, to be always near his Person, in Case of any sudden Attempt. This was then a new Thing in England; their Kings, before, were on-

King Heavy VII. ly guarded by the Laws and their Subjects' Affections. But, to take away all Tealoufy of this small standing Army, he declared the Institution to be perpetual, and that it was no more than what he had observed in his Exile to be done by foreign Princes; that it did not become the Majesty of a King to be without a Guard; for it was requisite to be had, if not of Necessity, for Decency a. An Institution that has been kept up, with an Addition of fifty more, by all our succeeding Princes, The Reader will find that Henry's Precautions were not without Reason.

He marries Elizabeth, Heirels of the House of York.

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In the Beginning of the Year 1486, the Marriage was folemnized between King Henry and the Princess Elizabeth; which was defigned to have entirely united the two contending Titles, fo that no future Efforts should be made, by either Side, to disturb it. But yet, this very Year, an Infurrection began, raised by the Lord Lovel, Sir Humphrey Stafford, and his Brother; tho', upon the News of an Army coming against them, they dispersed themselves.

But a much more dangerous Commotion happened in the next Year, under a counterfeit Plantagenet; one Lambert Simnel, a Baker's Son, being spirited up to take the Name and Title of Edward Earl of Warwick, only Son to George late Duke of Clarence, and then a Prifoner in the Tower. This Imposture was carried on so far, that the counterfeit Prince was actually crowned King of England, &c. at Christ-Church, in Dublin, the Irish Nation always greatly favouring the Title of the House of York. From that Kingdom the new King came with confiderable Forces into England, where he was joined by the Earl of Lincoln o and the Lord Lovel. Sir Thomas Broughton, and others; but, meeting with King Henry's Forces near a Village called Stoke, in Nottinghamsbire, a Battle ensued, in which Henry was again victorious, the aforesaid Lords, &c. slain, their upstart King taken Prisoner, and their whole Army cut in

Lambert's Plot defcated.

m Biondi, Book IX. page 159.

o This John Earl of Lincoln was Son of John de la Pole, Duke of Suffolk, by Elizabeth, King Edward the Fourth's eldeft Sifter. Richard 111. in Case he had disabled the Issues of his elder Brothers from inheriting the Crown, and that himself should have no Children, had designed this Nobleman to succeed to the Crown. Francis Viscount Lovel was Lord-Chamberlain to Richard III. Lord Bacon,

in Pieces. Thus Lambert's Pageantry foon came to an King Hury VII. End, and he himself was degraded from his high State

to be a mean Servitor in the King's Kitchen.

• For the extirpating the Roots and Causes of the like Commotions in Time to come, the King, fays Lord Bacon, began to find where his Shoe did wring him; and that it was his depressing the House of York that did rancle and fester the Affections of his People: He there- The Queen fore, with much Reluctancy, consented to the Corona-crowned. tion of his Queen, which was done with much Solemnity at Westminster, soon after his Return from the last Victory, but two Years after his Marriage; which, adds our Authority, was like an old Christening that had staid long for Godfathers.'

The next Year some foreign Affairs came upon the Carpet, which had like to have ended in a War between France and England. The Occasion of it will best appear by the Proceedings of another Parliament, which the King was obliged to call by Writs, bearing Date September 1, to meet at Westminster on the oth Day of Anno Regai 3. Nevember following, and in the third Year of his Reign. Being all assembled, Thomas Morton, Archbishop of Can- At Westminster. terbury, and Chancellor of England, declared the Cause of the Summons in Words to this Effect p:

My Lords and Masters,

HE King's Grace, our Sovereign Lord, hath The Lord-Chancommanded me to declare unto you the Causes cellor's Speechto that have moved him at this Time to summon this his

• Parliament, which I shall do in few Words; craving • Pardon of his Grace and you all, if I perform it not as

• I would.

· His Grace doth first of all let you know, that he retaineth in thankful Memory the Love and Loyalty fliewed to him by you, at your last Meeting, in Establishment of his Koyalty; freeing and discharging of his Partakers, and Confiscation of his Traitors and Rebels; more than which could not come from Subfiects to their Sovereign in one Action. This he taketh

6 so well at your Hands, as he hath made it a Resolution

to himself to communicate with so loving and wellapproved

P Lord Bacon,

King Henry VII. approved Subjects, in all Affairs that are of public Nature, at home or abroad.

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Two, therefore, are the Causes of your present affembling; the one, a foreign Business; the other, Matter of Government at home.

The French King (as no doubt you have heard) maketh, at this Present, hot War upon the Duke of Bretagne. His Army is now before Nantes, and holdeth it straitly besieged, being the principal City (if not in Ceremony and Preheminence, yet in Strength and Wealth) of that Duchy. You may guess at his Hopes by his attempting of the hardest Part of the War first. The Cause of this War he knoweth best. He alledgeth the entertaining and succouring of the Duke of Orleans, and some other French Lords, whom the King taketh for his Enemies. Others divine of other Matters. Both Parts have, by their Ambassadors, divers Times * prayed the King's Aids: The French King, Aids or Neutrality; the Bretons, Aids simply; for so their * Case requireth. The King, as a Christian Prince, and bleffed Son of the Holy Church, hath offered himfelf as a Mediator, to treat a Peace between them. The French King yieldeth to treat, but will not flay the Profecution of the War. The Bretons, that defire Peace most, hearken to it least; not upon Confidence or Stiffness, but upon Distrust of true Meaning, feeing the War goes on. So as the King, after as much Pains and Care to effect a Peace, as ever he took in any Business, not being able to remove the Prosecution on the one Side, nor the Distrust on the other, caused by that Prosecution, hath let fall the Treaty; on not repenting of it, but despairing of it now, as not e likely to fucceed. Therefore, by this Narrative, you now understand the State of the Question, whereupon the King prayeth your Advice, which is no other, but,

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Whether he shall enter into an auxiliary and desensive War for the Bretons against France?
And, for the better to open your Understandings in this Assair, the King hath commanded me to say somewhat to you from him, of the Persons that do intervene in this Business; and somewhat of the Consequence thereof, as it hath Relation to this Kingdom; and somewhat of the Example of it in general; making, nevertheless.

nevertheless, no Conclusion or Judgment of any Point, King Henry VIIs
 untill his Grace hath received your faithful and politic
 Advices.

First, for the King our Sovereign himself, who is the principal Person you are to eye in this Business; • his Grace doth profess that he truly and constantly defireth to reign in Peace: But his Grace faith he will e neither buy Peace with Dishonour, nor take it up at Interest of Danger to ensue; but shall think it a good Change, if it pleased God to change the inward Troubles and Seditions wherewith he hath been hitherto exercised, into an honourable foreign War. the other two Persons in this Action, the French King and the Duke of Bretagne, his Grace doth declare unto you, that they be the Men unto whom he is, of all other Friends and Allies, most bounden; the one ha-• ving held over him his Hand of Protection from the Tyrant, the other having reached forth unto him his ' Hand of Help, for the Recovery of his Kingdom; fo that his Affection toward them, in his natural Person, is upon equal Terms. And whereas you may have • heard that his Grace was enforced to fly out of Bretagne ' into France for Doubts of being betrayed; his Grace • would not in any Sort have that reflect upon the Duke of Bretagne, in Defacement of his former Benefits, for that he is thoroughly informed that it was but the · Practice of some corrupt Persons about him, during the Time of his Sickness, altogether without his Consent

or Privity.
But howfoever these Things do interest his Grace in his Particular, yet he knoweth well that the higher Bond that tieth him to procure, by all Means, the Safety and Welfare of his loving Subjects, doth disinterest him of these Obligations of Gratitude, otherwise than thus; that if his Grace be forced to make a War, he do it without Passion or Ambition.

•

For the Consequence of this Action towards this Kingdom, it is as much as the French King's Intention is: For if it be no more but to range his Subjects to Reason, who bear themselves stout upon the Strength of the Duke of Bretagne, it is nothing to us: But if it be in the French King's Purpose, (or if it should not be in his Purpose, yet if it shall follow all one as if it were

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King Henry VII. were fought) that the French King shall make a Province of Bretagne, and join it to the Crown of France; then it is worthy the Confideration, how this may e import England, as well in the Increasement of the Greatness of France, by the Addition of such a Country, that stretcheth his Boughs unto our Seas, as in depriving this Nation, and leaving it so naked of so firm and assured Confederates as the Bretons have always been q. For then it will come to pass, that whereas, not long fince, this Realm was mighty upon the Continent; first in Territory, and after in Alliance, in respect of Burgundy and Bretagne, which were Confederates indeed, but dependent Confederates; now the one being already cast, partly into the Greatness of France, and partly into that of Austria, the other is * like wholly to be cast into the Greatness of France; [416] and this Island shall remain confined, in Effect, within the Salt-Waters, and girt about with the Coast Coun-* tries of two mighty Monarchs. For the Example, it rested likewise upon the same • Question, upon the French King's Intent; for if Bretagne be carried and swallowed up by France, as the World abroad (apt to impute and conftrue the Actions of Princes to Ambition) conceive it will, then it is an • Example very dangerous and universal, that the leffer · Neighbour's Estate should be devoured by the greater: • For this may be the Case of Scotland towards England; of Portugal towards Spain; of the smaller Estates of • Italy towards the greater; and so of Germany; or as if • fome of you of the Commons might not live and dwell fafely besides some of these great Lords. bringing in of this Example will be chiefly laid to the King's Charge, as to him that was most interested and But then, on the other Side, most able to forbid it. there is so fair a Pretext on the French King's Part, 6 (and yet Pretext is never wanting to Power) in regard the Danger, imminent to his own Estate, is such, as may make this Enterprize seem rather a Work of Necessity than of Ambition, as doth in Reason correct the • Danger of the Example; for that the Example of that

> q It appears by this how much the growing Greatness of France was dreaded in those Days; and how much more it is to be feared by England, when both these Maritime Dukedoms, of Burgundy and Bretagnes have been long fince annexed to that Crown.

' which

which is done in a Man's own Defence, cannot be King Henry VII.

dangerous, because it is in another's Power to avoid it.

But, in all this Business, the King remits himself to vour grave and mature Advice, whereupon he pur-

oofeth to rely.

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For that which may concern Government at home a the King hath commanded me to say unto you,

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That he thinketh there was never any King (for the fmall Time that he hath reign'd) had greater and juster Cause, of the two contrary Passions of Joy and Sorfrow, than his Grace hath. Joy, in respect of the rare and visible Favours of Almighty God, in girding the Imperial Sword upon his Side, and affifting the same his Sword against all his Enemies; and likewise in bleffing him with fo many good and loving Servants and Subjects, which have never fulled to give him faithful Counsel, ready Obedience, and couragious Defence. Sorrow, for that it hath not pleased God to suffer him to sheath his Sword, (as he greatly desired, otherwise than for Administration of Justice) but that he hath been forced to draw it so oft to cut off traiterous and difloyal Subjects, whom, it feems, God hath left (a few amongst many good) as the Canaanites among the People of Israel, to be Thorns in their Sides, to tempt and try them; tho' the End hath been always (God's Name be bleffed therefor) that the Destruction hath

fallen upon their own Heads.

Wherefore his Grace saith, That he seeth that it is onot the Blood spilt in the Field that will save the Blood in the City, nor the Marshal's Sword that will set this Kingdom in perfect Peace; but that the true Way is, to stop the Seeds of Sedition and Rebellion in their Beginnings; and, for that Purpose, to devise, confirm, and quicken good and wholfome Laws against Riots and unlawful Assemblies of People, and all Combinations and Confederacies of them, by Liveries, Tokens and other Badges of factious Dependence; that the Peace of the Land may, by these Ordinances, as by Bars of Iron, • be foundly bound in and strengthened, and all Force both in Court, Country, and private Houses, be sup-5 pressed. The Care hereof, which so much concerneth yourselves, and which the Nature of the Times doth inflantly call for, his Grace commends to your Wisdoms. And King Henry VII.

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And beause it is the King's Desire that this Peaces wherein he hopeth to govern and maintain you, do ont bear only unto you Leaves for you to fit under the Shade of them in Safety, but also should bear you Fruit of Riches, Wealth, and Plenty: Therefore his Grace prays you to take into Consideration Matter of Trade, as also the Manufactures of the Kingdom, and to repress the bastard and barren Employment of Monies, to Usury and unlawful Exchanges, that they may be (as their natural Use is) turned upon Commerce, and lawful and Royal Trading. And likewise, that our People be set on Work in Arts and Handicrafts; that the Realm may subsist more of itself, that Idleness be avoided, and the draining out of our Treasure, for foreign Manufactures, stope ped. But you are not to rest here only, but to provide further, that what soever Merchandize shall be brought in from beyond the Seas, may be employed upon the Commodities of this Land; whereby the Kingdom's Stock of Treasure may be sure to be kept from being diminished by any over-trading of the Foreigner. And, lastly, because the King is well assured that

4 you would not have him poor that wishes you rich, he
4 doubteth not but that you will have Care as well to
5 maintain his Revenues of Customs, and all other Na6 tures, as also to supply him with your loving Aids, if

tures, as and to supply him with your loving Alds, if the Case shall so require. The rather, for that you know the King is a good Husband, and but a Steward, in Effect, for the Public; and that what comes from

you is but as Moisture drawn from the Earth, which
 gathers into a Cloud, and falls back upon the Earth
 again. And you know well how the Kingdoms about

you grow more and more in Greatness, and the Times are stirring; and therefore not fit to find the King

with an empty Purse. More I have not to say to you; and wish that what hath been said had been better expressed; but That your Wisdoms and good Affections

will fupply. God bless your Doings.'

It has been observed elsewhere in these Inquiries, that it is no hard Matter to dispose an English Parliament to give Money for a War with France: But at this Time

it was more than ordinarily their Interest to it, in order King Henry VII. to prevent the Growth of the French Monarchy, and to hinder them from making themselves Masters of the Ducky of Brittany; which is full of Sea-ports and Havens, very well fituated to do much Mischief to the English, either by Invasion or Interruption of Traffic: Wherefore the Parliament not only advised the King to espouse the Cause of the Duke of Bretagne, and send A large Supply him some speedy Aid, but unanimously voted the King with France, a large Supply for that Purpose 1. Accordingly Robert Lord Brooke was fent over to his Aid, with a Body of 8000 choice Men, well armed; but it all came to nothing, for the Duke having loft a Battle, and foon after his Life, the English Forces were recalled, and the District of Brittany was reduced under Subjection to the Crown of France; in which State it hath ever fince remained.

But to return to the more private Business of this Session, in regard to the enacting of Laws for the Good of the Commonwealth; for, according to the Lord-Chancellor's Admonition, there were many excellent Laws made this Parliament, and as the King himself had recommended to them. Lord Bacon hath very elegantly and judiciously drawn them all up under their feveral Heads, and we cannot do better than give them in his own Words as follow :

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First, the Authority of the Star-Chamber, which Acts passed this before subsisted by the antient common Laws of the Parliament, Realm, was confirmed in certain Cases by Act of Parliament. This Court is one of the fagest and noblest Institutions of this Kingdom: For in the Distribution of Courts of Ordinary Justice, (besides the High Court The Star-Chamof Parliament) in which Distribution the King's Bench ber first instiholdeth the Pleas of the Crown; the Common Place, Pleas Civil; the Exchequer, Pleas concerning the King's Revenue; and the Chancery, the Pretorian Power for mitigating the Rigour of Law, in Case Vol. II.

Authors differ much about what this Tax or Subfidy was; Polydore Vergil writes, That it was a Poll-Tax; Tributo in singula Capita imposito. Old Fabian, and, after him, Hall, Holling spead, and Stowe, say it was a Tenth Penny on all Lands and Goods: But it was more likely the former, because a Poll-Tax was always edicus to the People, and raised such a Commotion in the collecting of it;

s Lord Bacon in Kennet, p. 594.

King Henry VII. of Extremity, by the Conscience of a good Man: There was nevertheless always reserved a high and preheminent Power to the King's Council, in Causes that might, in Example or Consequence, concern the State of the Commonwealth; which, if they were Criminal, the Council used to sit in the Chamber, called the Star-Chamber; if Civil, in the White-Chamber, or White-Hall: And, as the Chancery had the Pretorian Power for Equity, so the Star-Chamber had the Censorian Power for Offences, under the Degree of Capital. This Court of Star-Chamber is compounded of good Elements, for it consisteth of four Kinds of Persons; Counsellors, Peers, Prelates, and Chief-Judges. It difcerneth also principally of four Kinds of Caules; Forces, Frauds, Crimes various of Stellionate, and the Inchoations or middle Acts towards Crimes capital, or heinous, not actually committed or perpetrated. But that which was principally aimed at by this Act was Force, and the two chief Supports of Force, Combination of Multitudes, and Maintenance or Headship of great Perfons '.

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Care went on to the Peace of the King's House, and the Security of his great Officers and Counsellors: But this Law was somewhat of a strange Composition and Temper, That if any of the King's Servants, under the Degree of a Lord, do conspire the Death of any of the King's Council, or Lord of the Realm, it is made Capital. This Law was thought to be procured by the Lord-Chancellor; who, being a stern and haughty Man, and sinding he had some mortal Enemies in Court, provided for his own Sasety; drowning the Envy of it in a general Law, by communicating the Privilege with all other Counsellors and Peers, and yet not daring to extend it surther than to the King's Servants in Check-Roll, lest it should have been too harsh to the Gentlemen, and other Commons of the Kingdom, who might

From the general Peace of the Country, the King's

t It is to be observed that, notwithstanding Lord Bacon's high Character of this new Court of Justice, yet it was looked upon, in a succeeding Reign, as no better than an Act of great Tyranay; though begun by a King de Patite, and confirmed by a Parliament. This Court confisted of Councillors, Peers, Prelates, and Chief Judges; it took Cognizance of Forces, Frauds, Advances towards heinous and capital Crimes, not actually confisited.

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Confoiring the Death of the King's Council, have thought their antient Liberty and the Clemeticy of English VIL the Laws of England invaded, if the Will, in any Case of Felony, should be made the Deed. And yet the Reafon which the Act yieldeth (that is to say, That he that conspireth the Death of Counsellors may be thought indirectly, and by a Means, to conspire the Death of the King himself) is indifferent to all Subjects, as well as to Servants in Court. However it seems this sufficed to serve the Lord-Chancellor's Turn at this Time; but yet he lived to need a general Law, for that he grew afterwards as odious to the Country, as he was then to the Court.

From the Peace of the King's House, the King's Care extended to the Peace of private Houses and Families; for there was an excellent moral Law moulded thus: The taking and carrying away Women forcibly, and against their Will, (except Female Wards and bond Women) was made Capital. The Parliament wisely and justly conceiving, that the obtaining of Women by Force into Possession (howsoever afterwards Assent might follow by Allurements) was but a Rape drawn forth in Length, because the first Force drew on all the rest.

'There was made also another Law for Peace in general, and repressing of Murders and Man-Slaughters. and was an Amendment of the Common Laws of the Realm, being this: That whereas, by the Common Law, the King's Suit, in Case of Homicide, did expect the Year and the Day allowed to the Party's Suit by Way of Appeal; and that it was found, by Experience, that the Party was many Times compounded with, and many Times wearied with the Suit, so that in the End fuch Suit was let fall, and by that Time the Matter was in a Manner forgotten, and thereby Profecution, at the King's Suit by Indictment, (which is ever beft, flagrante Crimine) neglected; it was ordained. That the Suit by Indictment might be taken as well at any Time within the Year and the Day, as after, not prejudicing nevertheless the Parties' Suit.

'The King began also then, as well in Wisdom as in Justice, to pare a little the Privilege of the Clergy, ordaining, That Clerks convicted should be burnt in the Hand, both because they might taste of some corporal

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Rapes,

Morders

Privilege of Clergy, King Heavy VII. Punishment, and that they might carry a Brand of Infamy. But, for this good Act's Sake, the King himfelf was after branded by Perkin's Proclamation, for an execrable Breaker of the Rites of Holy Church.

> · · · Another Law was made for the better Peace of the Country; by which Law the King's Officers and Farmers were to forfeit their Places and Holds, in case of unlawful Retainer, or partaking in Riots and unlawful

Riots. Assemblies.

> 'These were the Laws that were made for repressing of Force, which those Times did chiefly require; and were fo prudently framed, as they are found fit for all

[423] fucceeding Times, and so continue to this Day.

: 4 There was also made good and politic Laws in that And Ufury. Parliament against Usury; which is the Bastard Use of Money; and against unlawful Chievances and Exchanges, which is Bastard Usury; and also for the Security of the King's Customs, and for the Employment of the Procedures of Foreign Commodities, brought in by Merchant-Strangers, upon the Native Commodities of the Realm; together with some other Laws of less Importance.'

But, notwithstanding those good and salutary Laws were, by the Three Estates, enacted, yet the People were so far from being well reconciled to the Government, that they feemed to watch all Opportunities to rebel against it. Accordingly, when the King's Commissioners came down to levy the Subsidy in Yorkshire and An Infurrection the Bishoprick of Durham, the Inhabitants began to mutiny; faying openly, That they had lately endured a thousand Injuries, and that they neither could nor would pay the Tax demanded. This was their Pretence: but Lord Bacon observes that the Refusal did not proceed from any present Necessity, but from the old Humour of those Countries, where the Memory of King Richard was so strong, that, like Lees, it lay in the Bottom of Men's Hearts; and if the Vessel was but stirred, it would The Commissioners, being somewhat astocome up t. nished, referred the Matter to the Earl of Northumberland, who was the principal Man for Authority in those Parts.

t Lord Bacon, p. 595 -Hall's Chronicle, Henry VII. Fol. xvi.-Grafton, p. 807, &c.

in the North.

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The Earl instantly informed the Court of it, King Henry VIL and fignified in plain Terms how boisterous these Northern People were, and defired the King's Directions about the Affair. Henry being, as the Saying is, as stiff as they were sturdy, sent back a peremptory Answer, That he would not abate one Penny of a Subsidy which had been granted him by Parliament, because it might encourage other Counties to expect the like Release, or Mitigation; but, chiefly, because he would never suffer that the base Multitude should frustrate the Authority of Parliament, wherein their Votes and Consents were included.

Upon this Dispatch from Court, the Earl assembled the principal Justices and Freeholders of the County, and delivered the King's Mind to them in the very same insperious Language it was sent; which should not have been so, but that, as Lord Bacon observes, this harsh Business was unfortunately fallen into the Hands of a harsh Man. In short, it proved fatal to himself; for this Message did not only irritate the People greatly, but made them conceive that the Deliverer of it was the principal Contriver and Persuader of the Council. A Mob. or Rabble of People, role instantly upon it, and, assailing the Duke in his House at Topcliff, in Yorkshire, slew him and feveral of his Servants.

Nor did it stop here; for the Rabble creating for their : Leader one Sir John Egremond, a factious Person, and one who, for a long Time, had borne the King an Illwill, being animated also by another Incendiary, a mean Fellow, called John a Chambre, who bote a principal Sway amongst them, they broke out into an open Rebellion; and gave out, in flat Terms, that they would march against King Henry, and fight for the Maintenance of their Liberties.

When the King was advertised of this new Insurrection, (which, fays the Noble Historian, was a Fever which almost took him every Year) according to his Manner, he seemed little troubled at it, but sent down the Earl of Surrey with a sufficient Force against the Rebels, who fought with and defeated them, taking Prifoner one of their Leaders, John a Chambre; the other, Sir John Egremond, found Means to escape into Flanders to the Lady Margaret, Duchess of Burgundy, whose Which is sup-E e 3

King Hearly VII. Court was then an Afylum for all the Enemies to King Hezry.

And the Chiefs executed.

Soon after this Defeat the King came down to Yerk, where John a Chambre was executed in great State; for he was hanged upon a Gibbet, raised a Stage higher than a Pair of square Gallows, in the Midst of which it was placed; and, as a Traitor paramount, he was mounted, whilst the chief of his Accomplices were hanged on a lower Story round about him. The rest of the Rebels were pardoned; and the King having well fettled these Northern Commotions, return'd to London, leaving the Earl of Surrey his Lieutenant in those Parts, and Sir Richard Tunstal for his principal Commissioner to levy the Subfidy; of which, adds the Noble Historian, he did not remit one Denier. This Insurrection happened in the Year 1480.

At the End of this fourth Year of his Reign, the King thought fit to call another Parliament, but the express Time is not mentioned in Dugdale; for the Summons to this, and the Parliaments in the two succeeding Years, are not to be found on the Rolls". However the Statute-Beeks fay it began on the 13th of January, Anno Regni 4.

Anno Regni 4. **1489-90.**

Lord Becon observes, That the King did not call this Parliament so soon after the last, for any particular Occasion of State; but because the former Parliament being ended somewhat too suddenly, in regard of the Preparation for Brittany, he thought he had not remunerated his People fufficiently with good Laws, which evermore was his Retribution for Treasure. But the the Stile of our Noble Historian be somewhat too stiff for these Times, yet his Matter and Connection are so confonant to this Design, that we shall make no Apology for another long Quotation from him, in his own Words, as follows:

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The King finding, by the Insurrection in the North, there was Discontentment abroad, in respect of the Subsidy, he thought it good to give his Subjects yet farther this Parlisment. Contentment and Comfort in that Kind. Certainly his Times for good Commonwealth's Laws did excel; fo

Caws made in

a Anno 4, 5, & 6 Hen. VII. Nulle Summonitiones recordate. Dug: dale's Summons to Parliament.

as he may justly be celebrated for the best Law-giver to king Heary VII. this Nation, where King Edward I. For his Laws (who so marks them well) are deep, and not vulgar; not made upon the Spur of a particular Occasion for the present, but out of Providence of the suture, to make the Estate of his People still more and more happy, after the Manner of the Legislators in antient and heroical Times.

First, therefore, he made a Law suitable to his own Acts and Times: For as himself had, in his Person and Marriage, made a final Concord in the great Suit and Title for the Crown, so by this Law he settled the like. Peace and Quiet in the private Possession of the Subjects; ordaining, That Fines thenceforth should be final, to Relating to conclude all Strangers' Rights; and that, upon Fines le-Fines, vied and solemnly proclaimed, the Subject should have his Time of Watch for five Years after his Title accrued; which, if he fore-passed, his Right should be bound for ever after; with some Exceptions, nevertheless, of Minors, married Women, and such incompetent Persons.

'This Statute did, in Effect, but reftore an antient Statute of the Realm, which was itself also made but in Affirmance of the Common Law. The Alteration had been by a Statute, commonly called the Statute of Non-Claim, made in the Time of Edward III. And surely this Law was a Kind of Prognostic of the good Peace which, since his Time, hath for the most Part continued in this Kingdom untill this Day: For Statutes of Non-Claim are fit for Times of War, when Mens' Heads are troubled, that they cannot intend their Estate; but Statutes that quiet Possessions are fittest for Times of Peace, to extinguish Suits and Contentions, which is one of the Banes of Peace.

Another Statute was made, of fingular Policy, for the The Soldiery,

Population apparently, and (if it be thoroughly confidered) for the Soldiery and Military Forces of the Realm.

'Inlcosures at that Time began to be more frequent, whereby Arable Land, which could not be manured without People and Families, was turned into Pasture, which was easily rid by a few Herdsmen; and Tenancies for Years, Lives, and at Will, whereupon much of the Yeomanry lived, were turned into Demesses. This bred a Decay of People, and, by Consequence, a Decay

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King Henry VII. of Towns, Churches, Tythes, and the like. likewise knew full well, and in nowise forgot, that there ensued withall, upon this, a Decay and Diminution of of Subfidy and Taxes; for the more Gentlemen, ever the lower Books of Subfidies. In remedying of this Inconvenience the King's Wisdom was admirable, and the Parliament's at that Time. Inclosures they would not forbid, for that had been to forbid the Improvement of the Patrimony of the Kingdom; nor Tillage they would not compell, for that was to strive with Nature and Utility: But they took a Course to take away depopulating Inclosures, and depopulating Pasturage, and yet not by that Name, or by any imperious express Prohibition; but Inclosures of

Land,

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by Consequence. The Ordinance was, That all Houses of Husbandry, that were used with 20 Acres of Ground and upwards, should be maintained and kept up for ever; together with a competent Proportion of Land to be used and occupied with them, and in nowife to be fever'd from them; as by another Statute, made afterwards in his Successor's Time, was more fully declared. This, upon Forfeiture, to be taken, not by way of popular Action, but by Seizure of the Land itself, by the King and Lords of the Fee, as to Half the Profits, till the Houses and Lands were restored. By this Means the Houses being kept up, did of Necessity inforce a Dweller; and the Proportion of Land for Occupation being kept up, did of Necessity force that Dweller not to be a Beggar or Cottager, but a Man of some Substance, that might keep Hinds and Servants, and fet the Plough on going. did wonderfully concern the Might and Manhood of the Kingdom, to have Fermes, as it were, of a Standard fufficient to maintain an able Body out of Penury; and did, in Effect, amortize a great Part of the Lands of the Kingdom unto the Hold and Occupation of the Yeomanry, or middle People, of a Condition between Gentlemen and Cottagers or Peafants. Now, how much this did advance the Military Power of the Kingdom, is apparent by the true Principles of War, and the Examples of other Kingdoms; for it hath been held by the general Opinion of Men of best Judgment in the Wars, (howfoever fome have varied, and that it may receive some Distinction of Case) that the principal Strength of an Army confisheth in the Infantry or Foot. And to make good Infantry, it requireth Men bred, not King Henry VIIe in a fervile or indigent Fashion, but in some free and plentiful Manner: Therefore, if a State run most to Noblemen and Gentlemen, and that the Husband-Men and Plough-Men be but as their Work-Folks and Labourers, or else meer Cottagers, (which are but House-Beggars) you may have a good Cavalry, but never good stable Bands of Foot; like to Coppice-Woods, that if you leave in them Staddles too thick, they will run to Bushes and Briars, and have little clean Under-Wood. And this is to be feen in France and Italy, and some other Parts abroad; where, in Effect, all is Noblesse or Peafantry. I fpeak of People out of Towns, and no middle People; and therefore no good Forces of Foot: Infomuch as they are inforced to employ mercenary Bands of Switzers, and the like, for their Battalions of Foot: Whereby also it came to pass, that those Nations have much People, but few Soldiers. Whereas the King faw that, contrariwise, it would follow, that Engedand, though much less in Territory, yet should have infinitely more Soldiers of their native Forces, than Thus did the King secretly those other Nations have. fow Hydra's Teeth, wherefrom (according to the Poet's Fiction) should rife up armed Men for the Service of the Kingom.

The King also, (having Care to make his Realm The Wine potent, as well by Sea as by Land) for the better Main-Trade, tenance of the Navy, ordained, That Wines and Woads, from the Parts of Gascoigny and Languedoc, should not be brought but in English Bottoms; bowing the antient Policy of this Estate, from Consideration of Plenty to Consideration of Power. For that almost all the antient Statutes incite by all Means Merchant-Strangers to bring in all Sorts of Commodities; having for End Cheapness, and not looking to the Point of State concerning the Naval Power.

'The King also made a Statute in that Parliament Monitory and Minatory, towards Justices of Peace, Justices of Peace, that they should duly execute their Office; inviting Complaints against them, first to their Fellow-Justices, then to the Justices of Affize, then to the King or Chancellor; and that a Proclamation, which he had published of that Tenor, should be read in open Sessions four Times

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King Heavy VII. Times a Year, to keep them awake: Meaning also to have his Laws executed, and thereby to reap either Obedience or Forfeitures, (wherein towards his latter

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Times he did decline too much to the Left Hand) he did ordain Remedy against the Practice that was grown in Use, to stop and damp Informations upon Penal Laws, by procuring Informations by Collusion to be put in by the Confederates of the Delinquents, to be faintly profecuted, and let fall at Pleasure, and pleading them in bar of the Informations which were profecuted with Effect.

Coisage.

Penal Laws.

' He made also Laws for the Correction of the Mint and counterfeiting of foreign Coin current: And that no Payment in Gold should be made to any Merchant-Stranger, the better to keep Treasure within the Realm; for that Gold was the Metal that lay in least Room.

Woollen Manufacture,

6 He made also Statutes for the Maintenance of Drapery, and the keeping of Woolls within the Realm; and not only fo, but for flinting and limiting the Prices of Cloth; one for the finer, and another for the coarset Which I note, both because it was a rare Thing to fet Prices by Statute, especially upon our Home-Commodities; and because of the wise Model of the Act, not prescribing Prices, but stinting them not to exceed a Rate, that the Clothier might drape accord-

ingly as he might afford.

Divers other good Statutes were made that Parliament; but these were the Principal. And here I do defire those, into whose Hands this Work shall fall, that they do take in good Part my long infifting upon the Laws that were made in this King's Reign; whereof I have these Reasons: Both because it was the preheminent Virtue and Merit of this King, to whole Memory I do Honour; and because it hath some Correspondence to my Person; but chiefly, because (in my Judgment) it is some Desect even in the best Writers of History, that they do not often enough summarily deliver and set down the most memorable Laws that passed in the Times whereof they write, being indeed the principal Acts of Peace: For tho' they may be had in original

[431] Books of Law themselves; yet that informeth not the Judgment of Kings and Counsellors, and Persons of

Estate, so well as to see them described, and entered in

the Table and Pourtrait of the Times.'

Monf.

Monf. Rapin takes no Manner of Notice of this Par-King Heavy VIIliament. His Annotator hath given us the Heads of some more Statutes made in it; but there were still others, in Reference to the Church, which are not taken Notice of by Lord Bacon; but are what we think proper just to mention.

First, An Act was passed, 6 That all Letters Patent Religious Houses

granted to any Religious Houses, for discharging them from the Payment of Tythes, should be void and of

ono Effect.

Next, 'Because People were emboldened by the Be-Murder and ness of the Clergy, to commit Murder, Robbery, &c. Robbery.

* To prevent this Inconvenience, this Privilege is re-

firained to the first Offence, and new Penalties en-

acted against Offenders in such Cases x.'

We have now a Gap of Time for three Years before we meet with an Account of another Parliament; in which Interval, the Exigencies of State had rendered it absolutely necessary to have a Quarrel with France.

We shall pass over some Altercations, in the Noble Historian, between Henry and the French King, tending more towards shewing a deeper Reach in Politics, than any real Design to enter into an actual War with each other. A more particular Account of which will be as well seen in the Proceedings of the next Parliament; Anno Regai 7. which the King sound himself obliged to call by Writs, 1492. bearing Date at Westminster, August 12, to meet at the At Westminster, same Place on the 17th of October following.

The first Writ to the Peers is directed to his most dear first-born Son Arthur, Prince of Wales, &c. a [432]

Child then about two Years of Age y.

At the Time appointed, being all affembled as usual, the King himself spoke to them, from the Throne, in these Words:

My Lords, and you the Commons,

HEN I purposed to make a War in Brittany by my The King's Lieutenant, I made Declaration thereof to you by Speech at openmy Chancellor; but now that I mean to make a War upon ing the Session. France in Person, I will declare it to you myself. That

7 Dugdale's Summens, Anno 7 Henry VII. p. 480,

^{*} Statutes & Henry VII. cap. v. xiii. Collier's Ecclef. Hift. p. 703.

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King Henry VII. War was to defend another Man's Right, but This is to recover our own; and That ended by Accident, but we hope

This shall end in Victory.

The French King troubles the Christian World. That which he hath is not his own, and yet he seeketh more. He hath invested himself of Brittany. He maintained the Rebels in Flanders, and he threateneth Italy. For ourselves, he hath proceeded from Dissimulation to Neglest, and from Neglest to Contumely. He hath assailed our Confederates; he denieth our Tribute. In a Word, he seeks War; so did not his Father, but sought Peace at our Hands; and so perhaps will he, when good Counsel, or Time, shall make him see as much as his Father did.

Mean while, let us make his Ambition our Advantage; and let us not stand upon a few Crowns of Tribute or Acknowledgement, but (by the Favour of Almighty God) try our Right for the Crown of France itself; remembering that there hath been a French King Prisoner in England, and a King of England crowned in France. Our Confederates are not diminished. Burgundy is in a mightier Hand than ever, and never more provoked. Brittany cannot help us, but it may hurt them. New Acquests are more Burden than Strength. The Malecontents of his own Kingdom have not been bafe, popular, nor titulary Impostors; but of an higher Nature. The King of Spain (doubt ye not) will join with us, not knowing where the French King's Ambition will stay. Our Holy - Father the Pope likes no Tramontanes in Italy. But howfoever it be, this Matter of Confederates is rather to be thought on than reckoned on; for God forbid but England should be able to get Reason of France without a Second.

At the Battles of Cressy, Poictiers, Agincourt, we were of ourselves. France hath much People' and sew Soldiers. They have no stable Bands of Foot. Some good Horse they have; but those are Forces which are least sit for a defensive War, where the Astions are in the Asailants' Choice. It was our Discords only that lost France; and (by the Power of God) it is the good Peace which we now enjoy, that will recover it. God hath hitherto blessed my Sword. I have, in this Time that I have reigned, weeded out my bad Subjects and tried my good. My People and I know one another, which breeds Considence. And

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if there should be any bad Blood left in the Kingdom, an King Henry VII; honourable foreign War will vent it, or purify it. this great Business let me have your Advice and Aid. any of you were to make his Son Knight, you might have. Aid of your Tenants by Law. This concerns the Knighthood and Spurs of the Kingdom, whereof I am Father; and bound not only to feek to maintain it, but to advance it. But for Matter of Treasure, let it not be taken from the poorer Sort; but from those to whom the Benefit of the War may redound. France is no Wilderness; and I. that profess good Husbandry, hope to make the War, after the Beginnings, to pay itself. Go together in God's Name, and lofe no Time; for I have called this Parliament wholly for this Caule.

Lord Bacon observes, 'That the Parliament took Fire immediately at this Speech, being ever affectionate to a War with France; but at this Time the more so, in order to repair the Dishonour they thought the King had fustained by the Loss of Brittany.

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. 'Therefore they advised the King, with great Ala- A War with crity, to undertake the War of France. And although France resolved the Parliament confisted of the First and Second Nobi-onlity, together with the principal Citizens and Townsmen, yet worthily and justly respecting more the People, whose Deputies they were, than their own private Perfons; and finding, by the Lord-Chancellor's Speech, the King's Inclination that Way, they consented that Commissioners should go forth, for the gathering and levying of a Beneuolence from the more able Sort. This Tax, called Benevolence, was devised by Edward IV. A Benevolence for which he sustained much Envy. It was abolished liament. by Richard III. by Act of Parliament, to ingratiate himself with the People; and it was now revived by. this King, but with Consent of Parliament; for so it was not in the Time of King Edward IV. But by this Way he raised exceeding great Sums; insomuch as the City of London, in those Days, contributed 9000 l. and better, and that chiefly levied upon the wealthier Sort. There is a Tradition of a Dilemma that Bishop Morton, the Chancellor, used to raise up the Benevolence to higher Rates; some called it his Fork, and some his Cratch; for he had couched an Article in the Instructions

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This Parliament was morely a Parliament of War:

King Hawy VII. Instructions to the Commissioners, who were to levy the Benevolence, That, if they met with any that were sparing, they should tell them that they must needs have, because they laid up; and, if they were Spanders, they must needs have, because it was seen in their Port and Manner of living. So neither Kind-came amiss.

for it was in Substance but a Declaration of War against France and Scotland, with some Statutes conducing thereunto; as the severe punishing of Mortpays, and keeping back of Soldiers Wages by Captains; the like Severity for the Departure of Soldiers without Licence: strengthening of the Common Law in Favour of Protections, for those that were in the King's Service; and the fetting the Gate open and wide for Men to fell or mortgage their Lands without Fines for Alienation, to furnish themselves with Money for the War; and, lastly, the There was avoiding of all Scotimen out of England. also a Statute for the dispersing of the Standard of the Exchequer throughout England, thereby to fize Weights and Measures, and two or three more of less Importance.

Old Fabian, an Historian in these very Times, mentions the Sum which the City of London was obliged to pay to this Benevolence, more particularly than Lord Bacon. He fays, ' That this Year, 1492, a great Bonevolence was granted the King for his Journey into France; towards which the Company of Drapers gave more than any other Fellowship in the City. Every Alderman then in Being, nolente volente, paid 200 l. over and above the Sum that was given from the Chamber of London, which amounted to 9682 l. 17 s. 4 d. A mighty Sum in those Days, when, the same Author tells us, that a Bushel of Wheat was fold this very Year for 22d. but two Years after for 6 da.' Other Chronicles tell us, That the King was willing to ease his lower Kind of Subjects from Taxations, knowing very well the Difficulty of raising the last, and therefore fell upon this Way of a Benevolence from the richer Sort: But published at the fame Time, That he should measure the Depth of each Man's Affection to him by the Largeness or Smallness of the Gift. This Way of gathering Money, as observed

n Fabian's Chron. An. 1492.

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observed above, was first invented by King Edward IV. King Harry VII. but condemned in Parliament in the first of Richard III. however, Henry thought fit to revive it, with the Confent of this Parliament, and great Sums of Money were collected by these Means, though not without some Grudges from the Donors.

Hall makes a very pertinent Remark upon the Occasion: By this, says he, a Man may perceive that what is once practifed for the Utility of a Prince, and brought to a Precedent by Matter of Record, may be turned to the great Prejudice of the People, if Rulers,

in Authority, will so adjudge and determine it.'

Mighty Preparations and Levies were now made for the French War, and the King actually embarked with The King lands them at Sandwich, Ottober 6, and the same Day he in France, but landed at Calais. Afterwards Henry besieged Boulogne Peace. in Form; but there he received such Overtures of a Peace from the French King, as were very acceptable to him; and Money, the Idol which Henry always worfhipped, foon brought it to a Conclusion. In short, the Price of a Peace was stated on one Side, and agreed to on the other, by which Henry filled his Coffers; but it was by the emptying of a great many of the Purses of the Nobility and principal Persons in the Army, who had many of them fold or engaged their Estates upon the Hopes of this War. These stuck not to say, That the King had made good what he had faid in Parliament, That, after the War was once begun, be doubted not but to make it pay itself; and he had kept his Promise accordingly.

But though the Act for enabling Persons to sell or mortgage their Estates proved so pernicious to the Nobility at that Time, and their Posterity after them, yet it has proved of infinite Service to the Commons of England; who, by these Means, have purchased, and do now enjoy, many Estates which antiently belonged to the chief Nobility of the Kingdom. And, by thus weakening their Powers, Vastalage was taken off, and Henry's Title, which chiefly lay in the People, greatly strengthened.

Soon

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b Chron. Fol. 22. c Henry received from the French King, in ready Money, 745,000 Dacats, which amounts to 186,250 l. English; and a Pentien, or Tribute, of 25,000 Crowns yearly. J. Speed, p. 737.

King Heary VII,

Winter Campaign into France, another Conspiracy broke out against him; which had like to have proved of worse Consequence than any that hitherto happened. Margaret, Duches of Burgundy, Sister to Edward IV. was a Princess that watched all Opportunities to disturb Henry's Repose, and had now spirited up one Perkin Warbeck, a bold and comely Youth, to personate Richard Duke of York, said to have been murdered with his Brother in the Tower. To the Noble Historian, and the more general Histories, we must refer our Readers for the Particulars of this Affair; which continued in Agitation some Years before it was entirely quelled d.

In the Midst of these Commotions, Henry thought sit to call another Parliament; the Writs of Summons bearing Date at Westminster, September 15, for a Page liament to meet at the same Place on the 14th of October sollowing; which is scarce a Month's Notice.

. 1497 • At Wessminster.

Anno Regni 11

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It were to be wished that the Noble Historian would have introduced this Parliament with the same Solemnity as he did the last, with a Speech from the Throne, &c. However, what he does say relating to the Proceedings, since he is our principal Guide, take in his own Phrase and Manner as follows:

Acts paffed.

'This Year also the King called his Parliament; where many Laws were made, of a more private and vulgar Nature than ought to detain the Reader of an History. And it may be justly suspected, by the Proceedings following, that as the King did excel in good Commonwealth Laws, so nevertheless he had, in secret, a Design to make use of them, as well for collecting of Treasure, as for correcting of Manners; and so, mean-

d In the Year 1496, King Henry granted Licence to one John Cabet, a Citizen of Venice, and his three Sons, Lewis, Schaffian, and Sancho, with five Ships, &c. to fail to the Wift-Indies, and make Discoveries of Lands and Countries, as the Record says; Quæ Christianis omnibus ante bæc Tempora fuerunt incognitæ. The King was to have one Fisth of the Money and Merchandizes they gained by this Voyage. Fæd. Ang. Tom. XII. P. 597.

e Dugdale's Summens, Anno 11 Henry VII. p. 481. There is a very great Mistake in Kennes's Marginal Dates of Years, in his Edition. Lord Bacon says expressly, That this Parliament was called in the eleventh Year of this King, which was Anno 1407; the Notes, all along, make it only 1493 and 1496, p. 612, Gc. M. Ropin has fallen into the same Error, Fabran mentions a Pankament held at Westmirster, in the Year 1494.

ing thereby to harrow his People, did accumulate them King Harry VII. the rather.

'The principal Law that was made this Parliament. was a Law of a strange Nature; rather just than legal. and more magnanimous than provident. This Law did ordain, That no Person that did affist in Arms, or otherwife, the King for the Time being, should afterward be impeached therefor, or attainted, either by the Course of the Law, or by Act of Parliament: But, if any fuch Act of Attainder did happen to be made, it should be void, and of none Effect; for that it was agreeable to Reason of Estate that the Subject should not inquire of the Justness of the King's Title or Quarrel, and it was agreeable to good Conscience, that, whatsoever the Fortune of the War was, the Subject should not suffer for his Obe-The Spirit of this Law was wonderfully pious and noble; being like, in Matter of War, unto the Spirit of David in Matter of Plague, who faid, If I have finned, strike me; but what have these Sheep done? Neither wanted this Law Parts of prudent and deep Forefight; for it did the better take away Occasion for the People to busy themselves to pry into the King's Title; for that howfoever it fell, their Safety was already provided for. Besides, it could not but greatly draw unto him the Love and Hearts of the People, because he feemed more careful for them than for himself: But yet, nevertheless, it did take off from his Party that great Tie and Spur of Necessity, to fight and go Victors out of the Field; confidering their Lives and Fortunes were put in Safety, and protected, whether they stood to it or ran away. But the Force and Obligation of this Law was in itself illusory, as to the latter Part of it, by a precedent Act of Parliament, to bind or frustrate a future. For a supreme and absolute Power cannot conclude itself, neither can that which is in Nature revocable be made fixed; no more than if a Man should appoint or declare by his Will, that if he made any latter Will it should be void. And, for the Case of the Act of Parliament, there is a notable Precedent of it in King Henry the Eighth's Time; who, doubting he might die in the Minority of his Son, procured an Act to pass, That no Statute made during the Minority of the King, should bind him or his Successors, except it were confirmed Vol. II.

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King Henry VII. by the King under his Great Seal, at his full Age. But the first Act that passed in King Edward the Sixth's Time, was an Act of Repeal of that former Act; at which Time, nevertheless, the King was a Minor.

which Time, nevertheless, the King was a Minor. But Things that do not bind may satisfy for the Time.

'There was also made a shoaring or under-propping Act for the Benevolence, to make the Sums which any Perfon had agreed to pay, and nevertheless were not brought in, to be leviable by a Course of Law. Which Act did not only bring in the Arrears, but did indeed countenance the whole Business, and was pretended to be made at the Desire of those that had been forward to pay.

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In this Parliament also was made that good Law, which gave the Attaint upon a false Verdict between Party and Party, which before was a kind of Evangile, irremediable. It extends not to Causes capital, as well because they are for the most Part at the King's Suit, as because in them, if they be followed in Course of Indictment, there passeth a double Jury, the Indictors and the Triers; and so not twelve Men, but four-andtwenty. But it seemeth that was not the only Reason; for this Reason holdeth not in the Appeal; but the great Reason was, lest it should tend to the Discouragement of Jurors in Cases of Life and Death, if they should be subject to Suit and Penalty, where the Fayour of Life maketh against them. It extendeth not also to any Suit, where the Demand is under the Value of 40 l. for that in such Cases of petty Value it would not quit the Charge to go about again.

'There was another Law made against a Branch of Ingratitude in Women, who having been advanced by their Husbands, or their Husbands' Ancestors, should alien, and thereby seek to deseat the Heirs, or those in Remainder, of the Lands whereunto they had been so advanced. The Remedy was, by giving Power to the

next to enter for a Forfeiture.

'There was also enacted that charitable Law, for the Admission of poor Suitors in Forma Pauperis, without Fee, to Counsellor, Attorney, or Clerk; whereby

f This Act brought in still very large Sums to the King's Coffers. The Arrears being very considerable, because the War with France having lasted not long, many Persons had declined to pay either in sull, or in Part. It appears by the Public Ass., that the Archbishop of Canterburg was indebted 1500 l. Sterling. Feed. Ang., Tom. XII. p. 632.

poor Men became rather able to vex, than unable to fue. King Henry VII. There were divers other good Laws made that Parliament, as we said before; but we still observe our Manner, in selecting out those that are not of a vulgar Nature 8.

Though, in the Acts of this Parliament, there is no Mention made of the Opposition then on Foot, whether out of Policy, or not, is uncertain; or whether the King thought it below him then to trouble the Houses about it; yet it is certain that, stout and wife as he was, he was not without his Apprehensions. The Impostor had prevailed upon the King of Scots to espouse his Quarrel, who actually invaded England the next Anno Regni 12. Year; and Henry found himself obliged, at last, to lay the Affair before a Parliament, which was summoned At Westminster. to meet at Westminster, on January 16, in the twelfth

Lord Bacon fays, 'That the Winter following the King called his Parliament; where, in a Speech from

Year of his Reign.

the Throne, he did much exaggerate both the Malice and the cruel predatory War lately made by the King of Scotland: 'That this King being in Amity with him, and no ways provoked, should so burn in Hatred to- The King lays wards him, as to drink of the Lees and Dregs of Per- before the Parkin's Intoxication, who was every where else detected liament the Imand discarded. And that when he perceived it was warbeck. out of his Reach to do the King any Hurt, he had turned his Arms upon unarmed and unprovided People, to spoil only and depopulate, contrary to the Laws 6 both of War and Peace: Concluding, That he could s neither with Honour, nor with the Safety of his People, to whom he did owe Protection, let pass these Wrongs unrevenged.' The Parliament understood him well, and gave him a Subfidy, limited to the Sum of 120,000 l. A Subfidy grantbesides two Fisteenths; for his Wars were always to ed. him as a Mine of Treasure, of a strange Kind of Ore, Iron at the Top, and Gold and Silver at the Bottom. At this Parliament (for that there had been fo much Time fpent in making Laws the Year before, and for

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g See Statutes at large, Anno Regni Hongy VII. undecimo.

that it was called purposely in respect of the Scots War) there were no Laws made to be remembered.

there passed a Law, at the Suit of the Merchant-Adventurers of England, against the Merchant-Adventurers of

London,

King Henry VII. London, for monopolizing and exacting upon the Trade; which it seemeth they did, a little to save themselves, after the hard Time they had sustained by Want of Trade. But those Innovations were taken away by Parliament.

> The Subsidy granted this Parliament, according to Fabian, was two Tenths and a Half, two Aids and two Fifteenths, in order to raise the Sum of 120,000 l. for the Scots War. The King borrowed also of the City of London 4000 l. but Hall and Hollingshead both fay, That tho' this Subfidy, now granted, was not great, yet the common People grudged much to pay it, always hating

fuch Taxes and Exactions.

The French Jesuit remarks, That Henry loved Money so well, that he made a Trade of both Peace and War to gain it; felling the former to Strangers, and the latter to his own Subjects. Under this Precaution, adds this Author, the English Nation, the least tractable of all Nations in paying Taxes to their Kings, are always on their Guard against him when he goes upon that Article h. And, indeed, no fooner this Subfidy began to be levied in Cornwall, but the Cornish Men rose in an A Rebellion in actual Rebellion against it, under the Leading of one

Cornwall.

Flammock, a Lawyer, and one Michael Foseph, a Black-These Captains marched their Followers towards Kent, and at Wells were joined by James Touchet, Lord Audley; who, to the great Joy of the Insurgents, accepted of the fole Command over them. From Welles they marched to Blackheath, where the King's Forces met and defeated them without much Trouble; the Lord Audley and the other Leaders were taken Prisoners, and soon after executed.

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Not long after the Conclusion of the last Parliament, Perkin's Affairs came to a Crisis; and, after many Struggles to subvert the present Government, he was taken at last, and committed Prisoner to the Tower; from whence, not long after, he was drawn to Tyburn, and Perkin executed. there executed. But the this Execution may be faid to be just enough, another followed soon after, which must carry an eternal Stain of Infamy. Edward Plantagenet,

h Le Peuple Anglois, le moins docile de tout le Peuples a pager des Subfides a ses Rois. etoit toujours en Garde contre luy quand il s'agissit de ce: Article. Histoire de Revol. d'Angleterre, pas Pere D'Orleans, Tom. il. p. 336.

Son to George Duke of Clarence, who had been a Pri-King Henry VIIfoner almost from his Cradle, was now thought proper Edward Plantato be facrificed to the Policy of the Times 1. A Mar-genet put to riage was then transacting between Prince Arthur, King Death. Henry's eldest Son, and the Princess Katherine, Daughter to Ferdinand and Isabella, King and Queen of Spain. The Spanish Court objected to the Match, because Henry's Title might be yet disputed whilst a Male Heir of the House of York was still living. Henry soon removed that Obstacle; and, on a feigned Accusation, had the poor Prince arraigned and executed. But, though the Marriage took Place upon this, yet it proved a very un-Arthur Prince happy one to the Princess. Prince Arthur died, as is Wales married, faid, before Confummation; and the Princess being afterward married to Henry the King's second Son, was, after twenty Years Cohabitation, divorced from him. On the Declaration of which the unhappy Queen used this remarkable Expression, That she had not offended; but that it was a Judgment of God, for that her former Marriage was made in Blood.

The last Insurrection of Perkin, by only personating Richard Duke of York, shews how long the Claims of the two Houses of York and Lancaster had tore this Nation almost to Pieces: It may be said to have commenced at the Beginning of the last Century, and continued, by Intervals, to the End of it. Of such satal Consequences to Kingdoms are disputed Titles and Successions, says a French Author; other Evils may be redressed or forgot in a short Time; but the Evil of this

lasts for Ages k,

But now Henry, being freed from all his Enemies, set himself earnestly to indulge his favourite Passion of Avarice; and, to that End, made Use of very scandalous Ways and Means; of which the Noble Historian is full of Instances. But it was not till seven Years after the last, that he thought sit to summon another Parliament; a larger Space of Time from calling those Assemblies than we have met with in many preceding Reigns. The Summons to this Parliament is not on Record, or at

Le Vie de Margareite D'Anjou, Reine d'Angleterre, par Baudier,

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i Hall writes, That this poor Prince was kept close Prisoner, almost from the Sight of Men, but especially of Birds and Beasts, insomuch that he could not tell a Goose from a Capon. An. 15 Hen. VII. Fol. 1.

King Henry VII. least is not in Dugdale; but our Statute Books inform us that it met on the 16th of January, in the 19th Year Anno Regni 19.

of this Reign. 1505.

The King's Pretence in affembling this Parliament. At Westminster. was the Necessity of reviving certain Statutes and making fome new ones: But the real Motive was to demand a Subfidy for his eldest Daughter's Dowry, just then married to the King of Scots. The Custom of demanding Money on such Occasions, says Rapin 1, was too advantageous to this King to suffer it to be abolished. The new Queen's Portion was but 30,000 Nobles; but the Subfidy granted may be well thought more confiderable, besides a handsome Present made by the Clergy on the fame Account; fo that instead of emptying his Coffers, by the Marriage of his Daughter, he filled them

> Old Fabian, whose Chronicle ends in the last Year of this King, informs us that it was not a Subfidy, but only an Aid of 36,000 l. that was granted; though he does not tell us whether it was on the Marriage of the

> Lord Bacon begins his Account of the Proceedings in this Parliament with observing, 'That a Man may

Princess or not.

eafily guess how absolute the King took himself to be Ien Speaker.

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EDMUND DUD- with his Parliament, when his Creature Dudley, that LEY, Efq; cho- was fo odious to the Public, was made Speaker of the House of Commons. He tells us, That there were not any memorable Statutes made in it relating to public Government; and those that were passed, had still a Stamp of the King's Wildom and Policy; that is, of The Noble Historian hath gihis Craft and Avarice. ven us fo full a View of this King's unjust Exactions, drawn up in a very few Words, at the End of his Account of the Acts made in this Parliament, that it cannot be unacceptable to our Readers.

Laws enacted.

'There was a Statute made for the difannulling of all Patents of Leafe or Grant, to fuch as came not upon lawful Summons, to serve the King in his Wars against his Enemies or Rebels, or that should depart without the King's Licence; with an Exception of certain Perfons of the Long Robe: Providing nevertheless, that they should have the King's Wages, from their House,

1 Folio Edition, p. 687.

till their Return Home again. There had been the like King Henry VII.
made before for Offices, and by this Statute it was extended to Lands. But a Man may easily see by many
Statutes made in this King's Time, that the King
thought it safest to affist Martial Law by Law of Parliament.

Another Statute was made, prohibiting the bringing in of Manufactures of Silk wrought by itself, or mixed with any other Thread: But it was not of Stuffs of whole Piece, (for that the Realm had of them no Manufacture in Use at that Time) but of knit Silk, or Texture of Silk; as Ribbands, Laces, Cawls, Points, Girdles, &c. which the People of England could then well skill to make. This Law pointed at a true Principle; that where foreign Materials are but Superfluities, foreign Manusactures should be prohibited; for that will either banish the Superfluity or gain the Manusacture.

'There was a Law also of Resumption of Patents of Goals, and the re-annexing of them to the Sheriffwicks; privileged Officers being no less an Interruption of Ju-

stice than privileged Places.

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or Ordinances of Corporations, which many Times were against the Prerogative of the King, the Common Law of the Realm, and the Liberty of the Subject, being Fraternities in Evil: It was therefore provided, That they should not be put in Execution, without the Allowance of the Chancellor, Treasurer, and the two Chief Justices, or three of them, or of the two Justices of Circuit where the Corporation was.

Another Law was, in Effect, to bring in the Silver of the Realm to the Mint, in making all clipped, diminished, or impaired Coins of Silver m, not to be current in Payments, without giving any Remedy of Weight, but with an Exception only of a reasonable Wearing, which was as nothing in respect of the Uncertainty; and so, upon the Matter, to set the Mine on Work, and to give Way to new Coins of Silver, which should be then minted.

'There was likewise a long Statute against Vagabonds, wherein two Things may be noted; the one, the Dislike

m Groats, Half Groats, and Shillings with Half Faces. Fab.

King Henry VII. Dislike the Parliament had of Goaling of them, as that which was chargeable, pesterous, and of no open Example; the other, that, in the Statutes of this King's Time, (for this of the 19th Year is not the only Statute of that Kind) there are ever coupled the Punishment of Vagabonds, and the forbidding of Dice and Cards, and unlawful Games, unto Servants and mean People, and the putting down and suppressing of Alehouses, as Strings of one Root together, and as if the one were upprofit-

' As for Riot and Retainers, there passed scarce any [447] Parliament in this Time without a Law against them, the King ever having an Eye to Might and Multitude.

able without the other.

There was granted also, in that Parliament, a Subfidy both for the Temporality and the Clergy: And A Subfidy and a yet nevertheless, e'er the Year expired, there went out

Benevolence.

Commissions for a general Benevolence, though there were no Wars, no Fears. The same Year the City gave 5000 Marks for Confirmation of their Liberties; a Thing fitter for the Beginnings of Kings' Reigns, than the Latter Ends. Neither was it a small Matter that the Mint gained upon the late Statute, by the Recoinage of Groats and Half-Groats, now Twelvepences and Sixpences. As for Empson and Dudley's Mills, they did grind more than ever; so that it was a strange Thing to see what Golden Showers poured down upon the King's Treasury at once. The last Payments of the Marriage-Money from 'Spain; the Subsidy; the Benevolence; the Re-coinage; the Redemption of the City's Liberties; the Casualties. And this is the more to be marvelled at, because the King had then no Ocvasions at all of Wars or Troubles. He had now but one Son and one Daughter unbestowed; he was wise; he was of an high Mind; he needed not to make Riches his Glory: He did excell in fo many Things else; save

Avarice.

Heavy's excessive that certainly Avarice doth ever find in itself Matter of Belike he thought to leave his Son such a Kingdom, and fuch a Mass of Treasure, as he might chuse his Greatness where he would m.

His Death and Character.

This was the last Parliament called in the Reign of Henry VII. who lived not three Years after the Dissolution of it. He died at Richmond, in Surrey, April 22, 1 5082

m Lord Bacen.

1508, in the 52d Year of his Age, and the 23d of his

Reign.

The French Jesuit, before quoted, having drawn up this Prince's Character in a very sublime and copious Manner, we are persuaded that a translated Abstract of

it cannot be improper to conclude this Reign n.

After mentioning his excessive Avarice in the Accumulation of Riches, by Means of his two chief Sollicitors, Empson and Dudley, he adds, 'That, notwithflanding this, Henry was a great Prince, of a superior and folid Sense, of approved Valour, profound Politics, and of great Application to public Affairs; 6 making War with Conduct, without loving of it; and affecting Peace without feeming to demand it. Lively and active, but always circumspect; knowing better than any other Prince the real and folid Interest of his State, and the Alliances agreeable to it. of England ever knew better the Secret how to make the Royal Prerogative and the People's Privileges confonant to each other; nor the Temper he ought to keep to be Master of the Parliament, without seeming to force a Compliance from them. He had neither · Favourites nor Mistresses; paid all due Respect to his Mother, loved his Wife, and educated his Children well; but never let his Family concern themselves with the State. In the Command of his Armies, and the Management of public Affairs, he always employed Men of Quality, rather than other Men; but he • ever preferred the ablest and most deserving of them.

'In short, he did Abundance for a Prince that passed from Exile to a Throne; who had found the Kingdom torn to Pieces, as it were, by a long and bloody Civil War, carried on by two great Factions, and to leave it peaceable throughout. To begin a new Royal Family, and in the Person of his second Son, Henry, who, after the Death of Arthur, was Prince of Wales, to leave a Successor every Way agreeable to all his Subjects; his eldest Daughter, Margaret, married to the King of Scots; and his youngest, Mary, betrothed to the then Archduke of Austria, whom, at that

* Time, fo many Kings regarded.'

TAXES.

A Hift, de Revol. d'Ang. par Pere D'Orleans. Tom. II. p. 341. Sc.

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The Parliamentary HISTORY

[450] TAXES during the Reign of King HENRY VII.

N his third Year a large Supply was granted him for a War with France; but the Value of it uncertain. In his 7th Year a Benevolence was granted by Parliament for the same Purpose.

In his 11th Year the remaining Arrears thereof were

collected to the full.

The next Year he had a Subfidy of 120,000 L befides two Fifteenths.

In his 19th Year he had an Aid of 36,000 l. for the Dowry of his eldest Daughter, then married to the King of Scots.

And in the fame Year a Subsidy in Parliament, both from the Temporality and Clergy; nevertheless he issued out Commissions for raising a general Benevolence.

The Price of PROVISIONS in the Reign of Henry VII.

TN 1485 Wheat fold at 3s. per Bushel, and Bay Salt [451] the same Price. Hay 5 s. per Load.

In 1489 Oas at 2s. per Quarter.

In 1491 Wheat 14 s. 8 d. per Quarter.

In 1493 ()ats at 2 s. and Beans 3 s. 4 d. per Quarter.

In 1494 Wheat fold for only 4s. per Quarter, and the next Year only 3s. 4d. but in 1497 it rose to 20s. In 1498 Hay fold from 8 s. 2 d. to 10 s. ad 12 s.

per Load.

The next Year Wheat fold for 1 l. 4 s. per Quarter;

and 1504 for 5s. 8d. per Bushel.

The next Year a Load of Hay sold for 6s. and Oats 3 s. per Quarter.

In 1506 Oats 2s. and Beans 3s. 8d. per Quarter;

next Year about the same Price.

And in 1508 Oats fold for 1 s. 10 d. per Quarter.

The END of the SECOND VOLUME.